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No. 80-2043

IN THE

Supreme Court of the United States

October Term, 1981

BOARD OF EDUCATION, ISLAND TREES UNION FREE SCHOOL DISTRICT NO. 26; RICHARD AHRENS, FRANK MARTIN, CHRISTINA FASULO, PATRICK HUGHES, RICHARD MELCHERS, RICHARD MICHAELS, AND LOUIS NESSIM,

Petitioners,

—against—

STEVEN A. PICO, by his next friend, FRANCES PICO; JACQUELINE GOLD, by her next friend, RONA GOLD; RUSSELL RIEGER, by his next friend, SAMUEL RIEGER; GLENN YARRIS, by his next friend, RICHARD YARRIS and PAUL SOCHINSKI, by his next friend, HENRY SOCHINSKI,

Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

JOINT APPENDIX

ALAN H. LEVINE
Counsel for Respondents
CLARK, WULF, LEVINE & PERATIS
113 University Place
New York, N.Y. 10003
(212) 475-3232

GEORGE W. LIPP, Jr.
Counsel for Petitioners
GEORGE W. LIPP, JR.
DAVID S.J. RUBIN
LIPP & RUBIN, P.C.
83 Fire Island Avenue
Babylon, N.Y. 11702
(516) 669-3443

Petition for Writ of Certiorari Filed May 30, 1981
Certiorari Granted October 13, 1981

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DOCKET ENTRIES

28/77 — Petition for removal from Supreme Court/County of Nassau filed. (1)

7-77 — Copy of letter dtd. 2-3-77 from G. Lipp to Clerk, Nassau County Supreme Court re: petition for removal filed. (2)

18-77 — Notice of motion ret 7-28-77 at 2 PM for an order pursuant to 28 USC §1147(c) remanding this action to Supreme Court, Nassau Co. filed with memo of law. (3/4)

28-77 — Before Pratt, J. - case called - counsel present - motion to remand argued - decision reserved.

2-77 — Memorandum in opposition to motion to remand filed with affidavit of Walf Oglesby in opposition. (5/6)

16-77 — By PRATT, J. - Memo and order dtd. 8-15-77 denying motion to remand and directing the parties to appear for a status conf for 8-25-77 filed. (7)

15-77 — Before PRATT, J. - Case called for conf and counsel to make motions within 30 days.

10-17-77 — Notice of motion rte. 10-27-77 for summary judgment with affidavits of F. Martin & R. Ahrens and memo of law in support of motion filed. (8/9/10/11)

1-18-77 — Notice of examination of Frank Martin on 11-21-77 at 2 PM filed. (12)

1-18-77 — Notice of examination of Richard Ahrens on 11-21-77 at 10 AM filed. (13)

1-18-77 — Notice of motion ret 1-12-78 at 10 AM for an order

certifying this action as a class action pursuant to Rule 23(b)(2) of the FRCP filed with memo of law in support. (14/15)

11-18-77 — By Pratt, J. - memorandum and order dtd 11-18-77 adjourning oral argument for summary judgment to 1-12-78 and staying all discovery which is not needed for summary judgment motion pending decision of motion filed. Copies mailed to parties. (16)

12-19-77 — Notice of motion ret 1-12-78 at 2 PM for an order to permit American Jewish Committee to appear as amicus curiae in the action filed. (17)

1-9-78 — Notice of motion by American Library Assoc., New York Library Assoc., the Long Island School Media Assoc., Nassu Co. Library Assoc., the Suffolk Co. Library Assoc. and the Suffolk School Library Media Assoc., for leave to appear amicus curiae etc. filed. (18)

-11-78 — Defts' memo of law filed with affidavit of David S.J. Rubin. (19/20)

-16-78 — Notice of motion ret 1-26-78 at 10 AM for permission for New York State United Teachers to appear as amicus curiae filed. (21)

-16-78 — Letter dtd 1-13-78 to J. Pratt from Richard D. Emery and Alan H. Levine re plaintiffs' consent and support of motions by various organizations to participate as *amici* in the case, filed. (22)

-23-78 — Plaintiff's answering brief to defendants' motion for summary judgment and in support of plaintiffs' cross motion for summary judgment filed.

-23-78 — Notice of motion ret 2-2-78 at 2 PM for summary judgment on the grounds that no genuine issues exist as to any material fact and that plntff is entitled to a judgment as a matter of law etc. filed. (23/24)

1-30-78 — Letter dtd 1-22-77 to J. Pratt from Richard Emery and Alan Levine consenting to and supporting the American Jewish Committee's appearance as amicus curiae in the action filed. (25)

**1-25-78 — By Pratt, J. - memorandum and order dtd 1-23-78 granting the motions of the American Jewish Committee. the American Library Assoc., the New York Library Assoc., the Long Island School Media Assoc., the Nassau Co. Library Assoc., the Suffolk Co. Library Assoc. and the Suffolk School Library Media Assoc. to submit amicus curiae briefs in opposition to defts' motion for summary judgment to be filed on or before 2-1-78 filed. Copies sent to Parties. (26)

2-2-78 — By Pratt, J. - memorandum and order dtd 1-31-78 granting the motion of New York State United Teachers (NYSUT) to the extent of accepting the amicus curiae brief already filed etc. filed. Copies sent to parties. (27)

2-2-78 — Letter dated 1-11-78 to Judge Pratt from Jeffrey S. Karp re motion papers for leave for NYSUT to appear as *amicus curiae* in the case. etc. filed. (28)

2-2-78 — Before Pratt, J. - case called - counsel for both sides present - defts' motion for summary judgment and plntffs' motion for summary judgment - motions argued - decisions reserved - deft has 2 weeks to reply to amicus briefs.

2-17-78 — Reply memorandum of law to amicus curiae American Jewish Committee etc. filed. (29)

2-17-78 — Reply Memorandum of law to amicus curiae New York State United Teachers filed. (30)

2-17-78 — Transcript of examination before trial of Frank Martin dtd 11-22-77 filed. (31)

2-17-78 — Transcript of examination before trial of Richard Ahrens dtd 11-22-77 filed. (32)

2-22-78 — Memo of law of American Library Ass.. to deny defts motion for summary judgment filed. (33)

2-23-78 — Motion of National Council of Social Studies with memo of law to file amicus curiae filed. (34, 35)

3-6-78 — Letter dtd. 3-2-78 from G. Lipp to J. Pratt re: reply to points raised by opposing counsel filed. (36)

3-6-78 — Letter dtd. 3-2-78 from G. Lipp to J. Pratt re: reply to points raised by opposing counsel filed. (36)

3-6-78 — Leter dtd. 3-2-78 from G. Lipp to J. Pratt re: reply to brief of American Library Associa.. filed. (37)

3-6-78 — Memo of law of deft in reply to National Social Studies Counsel filed. (38)

3-13-78 — Letter dtd 3-8-78 to J. Pratt from Alan Levine re plntffs' revised 9(g) statement filed with the revised 9(g) statement annexed. (39)

4-4-78 — Revised 9(g) statement filed. (40)

6-15-78 — Defts memorandum of law filed. (41)

6-15-78 — Affidavit of David Rubin filed. (42)

8-8-78 — Citation of supplemental authority filed sg. (43)

11-3-78 — Affidavit of service of Citation of Supplemental Authority filed. (44)

VERIFIED COMPLAINT

Index No. ____

CLASS ACTION

SUPREME COURT: STATE OF NEW YORK
COUNTY OF NASSAU

Steven A. Pico, et al. *v.* Board of Education, et al.

I. Introduction

1. This is a class action for injunctive relief on behalf of all students in the public junior high school and the public senior high school in the Island Trees Union Free School District No. 26 (hereinafter "District"). They challenge on state and federal constitutional grounds resolutions of the defendant school board ordering the removal of nine books from all of the school libraries in the District and prohibiting teachers from using these books in the curriculum. In addition to their own rights, plaintiffs assert the academic freedom rights of librarians and teachers in the District.

II. Parties

2. Plaintiffs Steven A. Pico, Jacqueline Gold, Glenn Yarris, and Russell Rieger, minors who sue by their next friends, are students at Island Trees High School, and Paul Sochinski, a minor who sues by his next friend, is a student at Island Trees Memorial Junior High School.

3. Defendant Board of Education, Island Trees Union Free School District No. 26, is the duly elected Board of Education of the District. The Board is a state agency charged with over-all responsibility for the operation and administration of the public schools within the District.

4. Defendant Richard Ahrens is President of the Board of Education of the District.

5. Defendant Frank Martin is the Vice-President of the Board of Education of the District.

6. Defendants Christina Fasulo, Patrick Hughes, Richard Melchers, Richard Michaels, and Louis Nessim are members of the Board of Education of the District.

Class Action Allegations

7. Plaintiffs bring this action pursuant to Section 901 of the Civil Practice Law and Rules on behalf of persons similarly situated, namely all students in the public junior and senior high schools in the District. This class is so numerous that joinder of all members is impracticable; there are questions of law or fact common to the class which predominate over any questions affecting only individual members; the claims of the named plaintiffs are typical of the claims of the class; and a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

8. The plaintiffs will fairly and adequately protect the interests of the class. Plaintiffs are represented by attorneys associated with the New York Civil Liberties Union, a privately funded organization with experience in the area of constitutional litigation and sufficient resources to continue this action to its conclusion.

III. Incidents at Issue

9. Both Island Trees High School and Island Trees Memorial Junior High School maintain libraries for the use of students

within each school. The books in each library are available for reading by students at various times during the school day and the books may, in addition, be borrowed for up to 14 days with a one-time renewal of 14 days.

10. On March 3, 1976 defendant Ahrens, in a memorandum to Dr. Richard G. Morrow, then Superintendent of the District, expressed the "desire" of the Board of Education that all copies of certain books "be removed from the libraries to the board's office..." The books to which he referred were: *The Fixer*, by Bernard Malamud; *Slaughterhouse Five*, by Kurt Vonnegut; *The Naked Ape*, by Desmond Morris; *Down These Mean Streets*, by Piri Thomas; *Best Short Stories by Negro Writers*, edited by Langston Hughes; *Go Ask Alice*, (anon.); *A Hero Ain't Nothing But A Sandwich*, by Alice Childress; *A Reader for Writers*, edited by Jerome Archer; *Black Boy*, by Richard Wright; and *Laughing Boy*, by Oliver LaFarge. *A Reader for Writers* was the only title in the junior high school alone, and *Laughing Boy* was the only title in both junior and senior high schools. The remaining books were only in the senior high school.

11. According to a Board of Education Press Release (annexed hereto as Exhibit A), each of these titles had come to the Board's attention as a result of attendance by three board members, defendants Ahrens, Hughes and Martin, at a September 1975 conference sponsored by a group called Parents of New York United. Ahrens, Hughes and Martin were advised at the conference that various "anti-American, anti-Christian, anti-Semitic, and just plain filthy" books were in use in schools throughout the country. Upon their return from the conference, they found that ten such books—those referred to in defendant Ahrens' March 3 memorandum—were in the District's school libraries. Subsequently, an eleventh book, *Soul On Ice*, by Eldridge Cleaver, was found to be in use in the schools.

12. At a meeting on March 30, 1976 defendant Board of Education authorized the appointment of a committee consisting of four school staff members and four parents to evaluate the "educational suitability of [the eleven] books and whether they are in good taste, appropriate and relevant."

13. On or about July 1, 1976, the Committee submitted its report, recommending that five of the books be retained in the school libraries and that three be removed. There was a tie vote on two of the books, and no recommendation was made on one, *A Reader for Writers*, because the committee was unable to obtain a copy for review.

14. At a meeting on July 28, 1976 the Board of Education considered resolutions on each of the eleven books submitted to the committee. All but two of the resolutions ordered that the book in question "be removed from the elementary and secondary libraries, and for use in the curriuculum." Of the exceptions, the resolution concerning *Black Boy* by Richard Wright, ordered that the book be returned to the library shelves on a restricted basis." The resolution concerning *Laughing Boy* by Oliver LaFarge ordered that the book be "returned to the library shelves without restriction."

15. On information and belief, defendants ordered the removal of the books from school libraries and proscribed their use in the curriculum because particular passages in the books offended their social, political and moral tastes and not because the books, taken as a whole, were lacking in educational value.

16. On information and belief, since the beginning of the 1976-77 school year in September 1976, all of the books mentioned above, with the exception of *Black Boy* and *Laughing Boy*, have been unavailable in the school libraries of the district.

17. On information and belief, since the beginning of the 1976-77 school year in September 1976, teachers and students have been prohibited from using all of the books mentioned above, with the exception of *Black Boy* and *Laughing Boy*, in their school's curriculum.

IV. Causes of Action

18. The resolutions ordering the removal of certain books from the school libraries of the District and prohibiting the use of those books in the curriculum, and the implementation of those resolutions, deny plaintiffs their rights under Article 1, Section 8 of the New York Constitution guaranteeing liberty of speech.

19. The resolutions ordering the removal of certain books from the school libraries of the District and prohibiting the use of those books in the curriculum, and the implementation of those resolutions, deny plaintiffs their rights under the First Amendment to the United States Constitution.

20. The resolutions ordering the removal of certain books from the school libraries of the District and prohibiting the use of those books in the curriculum, and the implementation of those resolutions, deny plaintiffs their rights under Section 1983 of Title 42 of the United States Code.

21. The resolutions ordering the removal of certain books from the school libraries of the District, and the removal of those books, have imposed upon librarians in the District arbitrary and unreasonable restrictions upon their ability to function as librarians in violation of principles of academic freedom established by Article 1, Section 8 of the New York Constitution and the First Amendment to the United States Constitution.

22. The resolutions prohibiting the use of certain books in the curriculum of schools in the District, and the implementation of those resolutions, have imposed upon teachers in the District arbitrary and unreasonable restrictions upon their ability to function as teachers in violation of principles of academic freedom established by Article 1, Section 8 of the New York Constitution and the First Amendment to the United States Constitution.

23. Plaintiffs have no adequate remedy at law. WHEREFORE, plaintiffs pray that this Court:

(a) Order that this action be maintained as a class action.

(b) Declare that the resolutions passed on July 28, 1976 by defendants ordering the removal of certain books from the school libraries and prohibiting the use of those books in the curriculum violate Article 1, Section 8 of the New York Constitution and the First Amendment of the United States Constitution.

(c) Grant plaintiffs a preliminary, and upon final hearing, a final injunction ordering defendants to restore said books to those school libraries in the District from which they were removed pursuant to said resolutions and restraining defendants, their agents, servants and employees and all persons in active concert with them from interfering with the use of said books in the curriculum.

(d) Grant plaintiffs' reasonable attorneys' fees and costs of this action.

(e) Grant such other and further relief as this Court deems just and proper.

Respectfully Submitted,

Alan H. Levine
New York Civil Liberties Union
84 Fifth Avenue
New York, N.Y. 10011
(212) 924-7800

Steven Hyman
Kunstler & Hyman
370 Lexington Avenue
New York, N.Y. 10017
(212) 725-5970

Alan Azzara
Nassau County Chapter
New York Civil Liberties Union
210 Old Country Road
Mineola, New York 11501
(516) 741-8520

Attorneys for Plaintiffs.

January, 1977

BOARD OF EDUCATION
ISLAND TREES UNION FREE SCHOOL DISTRICT
TOWN OF HEMPSTEAD
ISLAND TREES, LEVITTOWN, N.Y. 11756
(516) 731-4020

EXHIBIT A

PRESS RELEASE — March 19/76

The Board of Education finds it necessary to call this press conference because of distortions, misinformation, and the obvious attempt by the New York Daily News in a cartoon published this morning, to characterize two members of the Board as a pair of shady hoods who surreptitiously sneak into school buildings under cover of darkness to snatch library books.

It comes as no surprise to this Board of Education that it is once again the subject of attack by Teacher Union leaders, headed by Walter Compare. With the election of school board candidates just two months away, the Teachers' Union is once again attempting to discredit the Board and win the seats for two union-backed lackeys.

And now for the truth. In September 1975, Board members Ahrens, Hughes, and Martin attended a conference at Watkins Glen, New York, sponsored by Parents' of New York, United. The purpose of the conference was to discuss education in general, and the parents role in education in particular.

While at the conference, we learned of books found in schools throughout the country which were anti-American, anti-Christian, anti-Semitic, and just plain filthy. Upon their return, Ahrens & Martin in early November went to the Senior High

School to check the card catalog to see if any of these objectionable books were in our library. We discovered nine such books. We neither removed books, nor cards from the card file.

At the next meeting of the Board, the entire Board discussed how to handle this situation, realizing that to make the titles of the books public might cause a sudden run on the library by the students.

The Board decided that the Principals of the Senior and Junior High Schools would be called in and be directed to gather up the books in question and bring them to the entire Board, for review. This order was carried out earlier this month. The Board is presently reviewing the contents of the books.

To date, what we have found is that the books do, in fact, contain material which is offensive to Christians, Jews, Blacks, and Americans in general. In addition, these books contain obscenities, blasphemies, brutality, and perversion beyond description.

This Board of Education wants to make it clear that we in no way are BOOK BANNERS or BOOK BURNERS. While most of us agree that these books have a place on the shelves of the public library, we all agree that these books simply DO NOT belong in school libraries, where they are so easily accessible to children whose minds are still in the formulative stage, and where their presence actually entices children to read and savor them. As U.S. Commissioner of Education, T.H. Bell, has said, "Parents have a right to expect that the schools, in their teaching approaches and their selection of instructional materials, will support the values and standards that their children are taught at home. And if the schools cannot support those values, they must at least avoid deliberate destruction of them."

We who are elected by the community, are the eyes and ears of the parents. It is our duty, our moral obligation, to protect the children in our schools from this moral danger as surely as from physical and medical dangers.

We have some books which have been reviewed, marked, and underlined. However, if they are read in front of a television camera, the FCC would never permit it to be aired. This stuff is too strong for adult viewers, but some of our educators feel it is appropriate for child consumption.

We are sure that when most of our teachers are given the opportunity to review the material, they will side with the Board, and against the Executive Committee of their own union. When most of the parents review these books, we are confident they will back us to the hilt, grateful that we have done our job and remained as they elected us...their faithful Watchdogs.

Finally, we have the books here for your inspection. We will gladly make copies of individual pages to the UNbelievers.

BOARD OF EDUCATION
Island Trees Union Free School District

March 19, 1976

ANSWER
Index No. 22742/76

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU
(Title Omitted)

Defendant, BOARD OF EDUCATION, ISLAND TREES UNION FREE SCHOOL DISTRICT NO. 26, RICHARD AHRENS; FRANK MARTIN; CHRISTINA FASULO; PATRICK HUGHES; RICHARD MELCHERS; RICHARD MICHAELS; LOUIS NESSIM, by its attorney, GEORGE W. LIPP, JR., ESQ., as and for its verified Answer herein states:

FIRST: Deny each, all and every allegation contained in paragraph numbered "1." of the Complaint.

SECOND: Deny for lack of information sufficient to form a belief as to the allegations contained in paragraph numbered "2." of the Complaint except admit that plaintiff, STEVEN A. PICO, JACQUELINE GOLD, RUSSELL RIEGER and GLENN YARRIS are students at Island Trees High School and that PAUL SOCHINSKI is a student at Island Trees Memorial Junior High School.

THIRD: Deny each, all and every allegation contained in paragraph numbered "7." of the Complaint.

FOURTH: Deny each, all and every allegation contained in the first sentence of paragraph "8." of the Complaint and deny for lack of information sufficient to form a belief as to each, all and every allegation contained in the balance of paragraph "8." of the Complaint.

FIFTH: Admit that a memorandum was issued on March 3, 1976, as stated in paragraph "10." of the Complaint but deny that the quotations used therein constitute a full and complete statement of the content of such memorandum and the import thereof.

SIXTH: Admit each, all and every allegation contained in paragraph numbered "11." of the Complaint except as to the word "advised" as in the press release the word "learned" was used.

SEVENTH: Deny each, all and every allegation contained in paragraph numbered "15." of the Complaint.

EIGHTH: Deny each, all and every allegation contained in paragraph numbered "17." of the Complaint.

NINTH: Deny each, all and every allegation contained in paragraph numbered "18." of the Complaint.

TENTH: Deny each, all and every allegation contained in paragraph numbered "19." of the Complaint.

ELEVENTH: Deny each, all and every allegation contained in paragraph numbered "20." of the Complaint.

TWELFTH: Deny each, all and every allegation contained in paragraph numbered "21." of the Complaint.

THIRTEENTH: Deny each, all and every allegation contained in paragraph numbered "22." of the Complaint.

FOURTEENTH: Deny each, all and every allegation contained in paragraph numbered "23." of the Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

FIFTEENTH: In doing the acts complained of in the Complaint herein, defendant was duly authorized by, and acted under, the authority of the provisions of Section 1701, 1709 and 1710 of the Education Law of the State of New York.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

SIXTEENTH: That the instant proceeding is totally and wholly improper in that it is brought for a declaratory judgment when in fact and in law the proceeding is in the nature of mandamus and should have been brought pursuant to the provisions of Article 78 of the Civil Practice Law and Rules of the State of New York.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

SEVENTEENTH: The cause of action alleged in the Complaint herein accrued no later than the 28th day of July, 1976, more than four months prior to the commencement of this action. Since such action is a proceeding against a body or officer, pursuant to Section 217 of the Civil Practice Law and Rules, the statute of limitations for such proceeding has expired and the claims therein are, therefore, barred at law.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

EIGHTEENTH: That the plaintiffs herein have no legal capacity to sue as a class and cannot maintain this action as a class as defined in Article 9 of the Civil Practice Law and Rules.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

NINETEENTH: Island Trees Union Free School District, No. 26, is a municipal corporation under the laws of the State of New York, is an agency of the State of New York and the members of its Board of Education are state officials and public officers under its laws. The said School District, and the members of its Board of Education are not, therefore, "persons" within the meaning of U.S.C. 42, Section 1983.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

TWENTIETH: The plaintiffs' suit is barred by failure to file a verified Notice of Claim within ninety days after the cause of action arose, all as provided for and required pursuant to Section 3813 of the New York State Education Law.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

TWENTY-FIRST: With regard to plaintiffs' allegation that defendant violated the right of the teachers to academic freedom defendant contends that such teachers failed to exhaust their administrative remedies as accorded pursuant to Article 6 - Grievance Procedure, of the Collective Bargaining Agreement between the United Teachers of Island Trees and the Board of Education, dated July 17, 1975, and covering the period July 1, 1975 to June 30, 1978, and pursuant to the regulations of such Board.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

TWENTY-SECOND: The teachers of defendant School District or any of them, are not parties to this action and accordingly,

any claims made as contained in paragraph "22." of the Complaint relating to a violation of principles of academic freedom are unfounded and without merit.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

TWENTY-THIRD: The defendant Board members are elected public officials vested with discretionary duties by the laws of the State of New York with regard to the selection, purchase and use of curriculum and textual materials within defendant School District, which duties were exercised in good faith, without malice and upon the advice of counsel, entitling the defendant thereby to a qualified privilege of immunity.

AS AND FOR A TENTH AFFIRMATIVE DEFENSE

TWENTY-FOURTH: By virtue of defendant's discretionary powers and the exercise thereof in good faith, without malice and in accordance with the laws of the State of New York, the plaintiffs herein are precluded from assessing reasonable attorneys fees against defendant as requested in the Complaint and such claim is not such as was contemplated within the purview of Rule 909 of the Civil Practice Law and Rules.

WHEREFORE, defendant demands judgment against the plaintiff dismissing the complaint in all respects and for such other and further relief as to this Court may seem just and proper.

Dated: January 24, 1977
Babylon, New York

GEORGE W. LIPP, JR., ESQ.
DAVID S.J. RUBIN, ESQ., Of Counsel
Attorney for Defendant
Office and P.O. Address
83 Fire Island Avenue
Babylon, New York 11702

MOTION

Civil Action File No. 77 C 217

DISTRICT COURT OF THE UNITED STATES
EASTERN DISTRICT: NEW YORK
Steven A. Pico, et al. *v.* Board of Education, et al.

Defendants move the Court to enter, pursuant to Rule 56 of the Federal Rules of Civil Procedure, a summary judgment in the defendants' favor dismissing the action on the ground that there is no genuine issue as to any material fact and that the defendants are entitled to a judgment as a matter of law.

This motion is based upon:

a. The defendants have an absolute right pursuant to statute and case law interpretive thereof to take the action complained of herein.

b. The plaintiffs assert no cognizable constitutional or statutory interest.

c. The remedy sought herein constitutes an impermissible judicial oversight of local school district affairs.

d. The Court does not have jurisdiction of the board of education or the individual defendants in their official capacities for the purposes of a suit under 42 U.S.C. § 1983 using 28 U.S.C. (§ 1343) (3) and (4) as a jurisdictional base since the defendant board is not a "person" for such purpose.

e. The Court does not have jurisdiction of the board of edu-

cation or the individual defendants in their official capacities for the purposes of a suit under the First or Fourteenth Amendments to the Constitution of the United States using 28 U.S.C. (§ 1331) as a jurisdictional base since municipalities are immune thereunder.

f. Jurisdiction under 28 U.S.C. § 1331 does not exist since the required amount in controversy is not alleged and does not exist.

g. If plaintiffs' complaint has shown a prima facie violation of the U.S. Constitution or of 42 U.S.C. § 1983 such has been controverted by the proofs annexed hereto.

GEORGE W. LIPP, JR.
Attorney for Defendants
Office and P.O. Address
83 Fire Island Avenue
Babylon, New York
(516) 669-3720

STATEMENT PURSUANT TO LOCAL RULE 9-g

UNITED STATES DISTRICT COURT
EASTERN DISTRICT: NEW YORK
(Title Omitted)

To the District Court:

Defendants. by their attorney. GEORGE W. LIPP, JR.., in satisfaction of the requirements of local rule 9-g state that they are in

Agreement as to the Following Facts:

1. The high school and junior high school maintained and operated by them contain libraries for the use of the students.

2. The books in said libraries are available for reading and for loan.

3. On March 3. 1976 Richard Ahrens. school board president. sent a memo to the superintendent expressing "the Board's desire that all copies of the library books in question be removed from the libraries to the Board's office..."

4. Such memo referred to "Slaughterhouse-Five". "A Hero Ain't Nothing But a Sandwich". "Reader for Writers". "Go Ask Alice". The Best Short Stories by Negro Writers". "Black Boy". "Laughing Boy". "The Naked Ape" and "Down These Mean Streets".

5. Defendants Richard Ahrens. Frank Martin and Patrick Hughes had had these titles brought to their attention at a conference sponsored by Parents of New York - United.

6. Subsequent to such conference said books were found in the senior and junior high school libraries.

7. On March 30, 1976 the board appointed a committee to review the books in question and make recommendations thereon on the basis of their educational suitability, good taste, relevance and appropriateness to age and grade.

8. Such committee was comprised of four parents from the community and four staff members.

9. On July 1, 1976 said committee issued its formal report (aside from that recommending return of "The Fixer" to the curriculum on a restricted basis) recommending continued removal of some books, return of others on an unrestricted basis and of others on a restricted basis. The votes were mixed:

10. On 7/28/1976 the board formally resolved to restore some books on an unrestricted basis, to restore others on a restricted basis and to continue removal of others. The votes were mixed.

11. No teacher has been instructed not to discuss the books which were removed or to refrain from discussion or comment upon the ideas and positions they represent.

12. Obscenity of the volumes in question is not in issue.

GEORGE W. LIPP, JR.
Attorney for Defendants
Office and P.O. Address
83 Fire Island Avenue
Babylon, New York 11702

Babylon, New York
October 12, 1977.

AFFIDAVIT IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

Docket No. 77 C 217

DISTRICT COURT OF THE UNITED STATES
EASTERN DISTRICT: NEW YORK
(Title Omitted)

STATE OF NEW YORK
COUNTY OF NASSAU ss.

RICHARD J. AHRENS, being duly sworn, deposes and says:

1. I am one of the defendants herein and am the president of the board of education of the Island Trees Union Free School District and have served in such capacity since July 1, 1974. I have been a member of such board since August 14, 1972, and make this affidavit in support of the motion for summary judgment herein.

2. I am basically a conservative in my general philosophy and feel that the community I represent as a school board member shares that philosophy. It is to this that I attribute my re-election on a number of occasions. I feel that it is my duty to apply my conservative principles to the decision making process in which I am involved as a board member and I have done so with regard to fiscal matters, student discipline, teacher performance, union negotiations, curriculum formation and content and other educational matters.

3. I was aware of a conservative organization called People of New York United (PONY-U as an acronym) comprised of parents concerned about education legislation in this state. One of its

active participants was Genevieve S. Klein, a Regent of the State of New York, whose term has recently expired and with whom I had been acquainted through various educational functions.

4. On September 19, 20 and 21, 1975 I attended an educational conference sponsored by PONY-U at Watkins Glen, New York with Frank Martin and Patrick Hughes, other members of the board of education. Numerous guest speakers made presentations including Ms. Klein, an attorney from Washington, D.C. who represented the Heritage Foundation, a conservatively oriented organization, George Archibald, a legislative assistant to Rep. John Conlon of Arizona, and other speakers with reputations in education circles who spoke about current topics about which the conservative community was concerned including litigation involving the control of text books and library books in the schools. The speaker on this topic was a Mr. Fike from Kanawa County, West Virginia which had undergone such litigation. Among the materials available at this conference were lists of books considered objectionable by some persons together with excerpts from them containing the more objectionable material.

5. Mr. Martin had apparently obtained some of these materials since, some time after the conference he mentioned to me his interest in whether our district in fact had some of the apparently objectionable materials in its library or curriculum. We attended a Winter School Night on November 7, 1976 and during the course of the evening Mr. Martin suggested that we check at the school library card index files to ascertain whether we did in fact have these volumes, or some of them, on our shelves. He had brought with him a list he had made from the materials he got at the conference. We doubted that we did have any of them. That is why we didn't ask the administrators to make the survey since we thought there would be unnecessary concern. A custodian let us into the library and we then ascertained that we had a

number (9) of the volumes regarding which Mr. Martin had obtained the materials. We didn't even see the books themselves. We did meet the principal of the school at that time and told him briefly what we were doing.

6. Having found that there were some of the materials in our library we decided to speak with other board members concerning the situation. Although I had not then read any of the books in question I was sufficiently concerned as a result of having read excerpts (See exhibit "A-1" annexed) that I felt some action had to be taken. At an executive session at a board meeting late in November, I think, we mentioned our concerns to the other board members and to the Superintendent in a rather informal manner.

7. We advised the Superintendent that it appeared based on the excerpts and the fact that Mr. Martin had read "Go Ask Alice", "Black Boy", "Soul On Ice" and "Slaughterhouse Five", that the books could well be considered objectionable and in bad taste. Mr. Martin felt quite strongly that at least those he had read were not suitable as library materials. The other board members asked for, and were given copies of the excerpts we had received at the conference. Mr. Martin asked the Superintendent to set up a meeting with the principals of the Senior and Junior High Schools to discuss how to deal with what was certain to be a controversial matter.

8. The board did not meet in December. Thereafter on February 24, 1976 during a meeting with all principals we asked the two high school principals to stay after the meeting which they did. We had a lengthy discussion with them, Irving Carroll and Ernest Valenze, during which there was much concern and wringing of hands over the potential of the situation. One principal, after reading the excerpts said "If this stuff is in the books they don't belong in the school." We had not at that time checked the

Junior High School library so we asked that principal to check it (he did so and found two more books that were on Mr. Martin's list). The principals agreed that the best way to proceed was to have the books quietly removed from the shelves and have the board read them.

9. The Superintendent was naturally quite concerned about the situation and the best method of approaching it. We had had numerous informal discussions on the matter during the intervening time. He felt a committee should study the books and recommend. I agreed but felt the board should first read them and in order to do that it had to have possession of them. He issued a statement to the board explaining his position and concerns (See exhibit "A-2"). On March 3 I found that the books had not yet been delivered to the board room so that we might have easy access to them so I sent the Superintendent a memo reminding him of our decision of February 24 (See exhibit "A-3"). Another concern of ours was if the existence of a "list" got around the books might cause a rush on them and we wouldn't be able to have them to read. (sic)

10. The books were then transmitted to the board room. At the same time the matter became public knowledge and was seized with relish by a highly antagonistic press. All hell broke loose. During this time the board members began taking and reading the individual books which were then in the board room. We also discussed the matter among ourselves informally from time to time and decided to have a committee also review the books.

11. At the public meeting of March 30. 1976 the board ratified its previous action in having the books removed to the board room and appointed an eight member committee to "read. review and make recommendations regarding the books..." The committee was to be comprised of four staff members and four parents

and were charged to recommend regarding "the educational suitability of these books and whether they are in good taste, appropriate and relevant." (See exhibit "A-4"). The latter language is from Article XIX Academic Freedom" of the teacher union negotiations contract (See exhibit "A-5").

12. As a result of the controversy surrounding our action the Superintendent saw fit to release a "Statement Concerning the Book Issue" (See Exhibit "A-6"). The "existing board policy" referred to by him therein calling for the appointment of a committee applied only to instances where a parent sought removal of allegedly objectionable material. There was and is no prescribed procedure when the board itself feels that material may be objectionable as was true in this instance.

13. During the next few days the business of selecting the members of the committee transpired. Numerous residents of the community asked to become a member (See exhibit "A-7"). At the April 16 work session the board appointed the committee which was comprised of four members of the community: Mr. Donald Ferris, former board of education member; Mr. Thomas Lane, a 1972 Island Trees High School graduate and student at Farmingdale Community College; Mr. George O'Donnell, a U.S. Post Office letter carrier and Mrs. Carol Sachs, parent and president of the PTA Council. The four staff members were Mr. Robert Amato, High School Social Studies teacher; Mr. Irving Carroll, High School Principal; Mr. Charles Lipp, High School English teacher and Mr. Richard Segerdahl, Principal and former guidance counsellor and assistant principal (See exhibit "A-8 and 8-a"). The committee received instructions to use as criteria educational suitability, good taste, relevance and appropriateness to age and grade level (See exhibit "A-4"). Those who were not appointed were thanked (See exhibit "A-9").

14. It is my firm opinion that the Committee was impartial, fair, unprejudiced and represented a cross section of the school district community. I am well aware, however that the ultimate responsibility lies with the board and that it cannot be delegated. I feel that it is important to note that the procedure used in the instant situation is very similar to that recommended by the State Education Department in its "Selection Guidelines" relating to selection of "school library resources, textbooks, instructional material" (See exhibit "A-10"). These guidelines were issued by the Board of Regents subsequent to the events related herein. Even the Regent's Guidelines (p. 8) concedes that the ultimate decision lies with the board and no distinction is made in it between library books, textbooks or other instructional materials.

15. During the ensuing months all members of the board read the books in question as did the members of the committee. The committee met on April 29, May 12, May 26, June 16 and June 30, 1976. It held its organizational meeting on April 7 and on April 30 reported to the board that it approved return of "The Fixer", the only textbook involved, to the Modern Literature curriculum subject to parental approval (See exhibit "A-11"). On May 13 the committee directed an inquiry to the board concerning the two anthologies involved (See exhibit "A-12"). On July 1 the final report of the committee was made to the board (See exhibit "A-13").

16. It is extremely important to note that the committee voted unanimously on only two of the ten books reviewed (one was unavailable and therefore not considered). Two books were recommended permanently removed from the library—"Down These Mean Streets" by 5-3 and "The Naked Ape" by 6-2. There was an even split on three of them (with a revote on one recommending it be placed on a restricted shelf). And this from the committee.

17. The board, having reviewed the committee's recommendations, and the books themselves by that time, at its regular meeting on July 28, 1976 voted separately upon each of the books covered in the committee report. The results of that vote are also important and indicative of a thoughtful exercise of discretion and judgment. One book was retained by a 7-0 vote. One was retained on a restricted basis by a 6-0 vote with one vote to retain it unrestricted, one was removed (the only textbook) by a bare majority of 4 votes with 2 votes to retain on a restricted basis and 1 vote for no restrictions, one removed by a 5-2 vote and so on (See exhibit "A-14").

18. During all of the furor surrounding these events and prior to the final committee report two of the incumbent board members ran for re-election against organized opposition. Needless to say the "book banning" issue was the major one in that campaign. Nevertheless (or more probably because of this) the incumbent members were re-elected (See exhibit "A-15"). Thereafter this litigation was commenced and the issue was kept before the public by means of numerous media articles, editorial comment, exchanges of letters to the editor, interviews with the authors involved, TV documentary coverage and editorials and the like. The New York Times in its Sunday issue on May 22, 1977 referred in a front page (of the Long Island Section) to the upcoming 1977 board election as a vote upon the book issue (See exhibit "A-16"). Nevertheless (or more probably because of it) Mr. Martin, Vice-President, and I were re-elected (See exhibit "A-17"). I feel that this is complete vindication for and support of our stand concerning these books. We are representing the community which first elected us and re-elected us and our actions have reflected its intrinsic values and desires.

19. Further evidence of the will of the community in this respect is reflected in the results of a questionnaire sent to all 4791

mailing addresses in the district. This was done at our attorney's request due to the alleged class action nature of the suit (See exhibit "A-10"). The results, which had a high percentage of responses based upon past inquiries of similar nature, were wholly supportive of our position. Of those responding (who signed the response) 508 or 59% supported the board while 353 or 41% did not. These parents represented 771 children under 18 or 60.5% in support and 503 children or 39.5% against—a substantial degree of support.

20. At no time has the board or to my knowledge, any member of the administration directed the staff not to discuss the banned volumes or the ideas contained or expressed therein. My objection is to the obscenity and bad taste contained in them as well as their irrelevance, in my opinion, to the basic curriculum of the district and to the values which I, as a board member and president, feel the community wishes inculcated in its youth. The whole thing has been blown out of proportion. The best way to indicate the basic reasons of the board as a whole for the actions taken is to annex various statements made by the board to the public as these events were taking place (See exhibits "A-19", "A-20", "A-21" and "A-22"). A review of these materials (and exhibit "A-1") will indicate that the excerpts about which we were concerned (and later the books themselves) contain every form of obscenity and sexual allusion imagineable. Granted one (Slaughterhouse Five) also makes ridiculous disparaging remarks about Christ and one (The Fixer) about Jews. This does not mean that my objection is based on religious grounds or a desire to favor or exclude one religion over another. I just plain think its in terrible taste and irrelevant to the educational process in my district—not to mention being obscene.

21. The community has seen fit to restore four of the "book burners" to office in the face of public opprobrium and violent

accusations hurled by the media. We must be reflecting their values and wishes. In no way can we be considered to have acted arbitrarily or in bad faith. Recourse should remain at the local level (the polling place) and not be placed on the court's shoulders. We are the elected members of a board charged with the custody of thousands of youngsters during the school day. We stand in the shoes of their parents during that time. These students do not have the same rights to be exposed to obscenities as an adult. I will certainly not be an instrument of it. If they wish to read the "banned" books they are welcome to while not in school as long as their parents do not object. Most of these volumes are in the public library so there are alternative sources. As long as I have the legal right to exercise my discretion in the way I have I shall continue to do so. This is the essence of the concept of community standards and local control of school boards.

22. I have personal knowledge of the matters hereinabove referred to.

RICHARD J. AHRENS

JURAT

EXHIBIT A-1
(EXCERPTS RECEIVED AT CONFERENCE 9/19/75)

RANDOLPH HIGH SCHOOL
Randolph, New York

TITLE: *Soul On Ice* by Eldridge Cleaver
(Leader of Black Panther and not allowed to live in America.)

PAGE: QUOTE

There are white men who will pay you to fuck their wives. He assures you, it's all right, she's my wife. She need black rod is all. There is a certain type who will leave you and his wife alone and tell you to pile her real good. Then there are some who like to peek. There is another type who likes to masturbate while he stands beside the bed. There is the type who likes to eat his woman up after you get through piling her. And there is the type who only wants you to pile her for a little while, just long enough to thaw her out and kick her motor over and arouse her to heat, then he wants you to jump off real quick and he will jump onto her and together they can make it from there by themselves.

NOTE: THIS BOOK WAS RETAINED FOR SENIORS ONLY IN RANDOLPH. THE BOOK IS FULL OF ANTI-AMERICAN MATERIAL AND HATE FOR WHITE WOMEN. WHY WOULD TEACHERS WANT HIGH SCHOOL STUDENTS TO READ THIS???? OUR GROUP IS GOING TO FILE A COMPLAINT AGAINST THIS BOOK ON SEDITIOUS AND DISLOYAL MATTER. PAGE 139-11:8

TITLE: *A Hero Ain't Nothing But a Sandwich* by Alice Childress

Page 10. Hell, no! Fuck the society.

Page 64. The hell with the junkie, the wino, the Capitalist, the welfare checks, the world...yeah, and fuck you too!

Page 75. They can have back the spread and curtains, I'm too old for them fuckin bunnies anyway.

TITLE: *The Fixer* by Bernard Malamud.

Page 52. What do you think goes on in the wagon at night? Are the drivers on their knees fucking their mothers?

Page 90. Fuck yourself, said the blinker, etc.

Page 92. Who else would do anything like that but a mother-fucking zhid?

Page 146. No more noise out of you or I'll shoot Jew cock off. (sic)

Page 189. Also there's a lot of fucking in the Old Testament, so how is that religious?

Page 192. You better go fuck yourself, Bok, said Kogin, I'm onto your Jew tricks.

Page 215. Ding-dong, giddyap. A Jew's cocks in the devil's hock.

Page 216. You cocksucker zhid, I ought to make you lick it up off the floor.

TITLE: *Go Ask Alice* by Anonymous? (suppose to be diary of 15 year old girl)

QUOTES

Page 31. I wonder if sex without acid could be so exciting, so wonderful, so indescribable....that it would be like dogs mating.

Page 47. Chris and I walked into Richie and Ted's apartment to find the bastards stond (sic) and making love to each other...low class queer...

Page 81. ON JUST ONE PAGE: shitty, goddamned, pissing, ass, goddamned bejesus, screwing life's, ass, shit. Doris was ten and had humped with who knows how many men in between...her current stepfather started having sex with her but good...sonofa-bitch balling her.

Page 83. but now when I face a girl its like facing a boy. I get all excited and turned on. I want to screw with the girl....

Page 84. I'd rather screw with a guy...sometimes I want one of the girls to kiss me. I want her to touch me, to have her sleep under me...

Page 84. Another day, another blow job...If I don't give Big Ass a blow he'll cut off my supply...and Little Jacon is yelling, "Mama, Daddy can't come now. He's humping Carla."

Page 85. ON JUST ONE PAGE: Shit, goddamn prick, son-of-a-bitch, ass, pissed, bassard, goddamn, bullshit.

Page 94. I hope you have a nice orgasm with your dog tonight.

Page 110. you fucking Miss polly pure.

Page 117. Then he said that all I needed was a good fuck...

Page 146. It might be great because I'm practically a virgin in the sense that I've never had sex except when I've been stoned...

NOTE: This book, after being reviewed by three teachers was retained. Parents, do not be fooled by the movie version of this book. It reads a lot different. If teachers cannot find a better book than this to illustrate drugs are bad then what are we paying them for. They justify their viewpoint because the girl dies in the end. A lot of teachers think this is a great book????????

TITLE: *Slaughterhouse Five* by Kurt Vonnegut Jr.

QUOTES

Page 34. Get out of the road, you dumb motherfucker...The last word was still a novelty in the speech of white people in 1944. It was fresh and astonishing to Billy, who had never fucked anybody...

Page 37. You stake a guy out on an anthill in the desert—see? He's facing upward, and you put honey all over his balls and pecker, and you cut off his eyelids so he has to stare at the sun till he dies.

Page 40. He had a prophylactic kit containing two tough condoms "For the prevention of Disease only!" He had a dirty picture of a woman attempting sexual intercourse with a shetland pony.

Page 99. They told him that there could be no Earthling babies without male homosexuals. There could be babies without female homosexuals.

Page 120. Why don't you go fuck yourself? Don't think I haven't tried...he was going to get revenge, and that revenge was sweet...It's the sweetest thing there is, said Lazzaro. People fuck with me, he said, and Jesus Christ are they ever fucking sorry. (The rest of this page tells how he fed sharp razor blades to a dog on a piece of steak. It goes on to describe the reaction of the dog.)

Page 122. And he'll pull out a gun and shoot his pecker off. The stranger'll let him think a couple of seconds about who...and what life's gonna be like without a pecker. Then he'll shoot him once in the guts and walk away...He died on account of this silly cocksucker here. So I promised him I'd have this silly cocksucker shot after the war.

Page 134. In my prison cell I sit...with my britches full of shit...And my balls are bouncing gently on the floor. And I see the bloody snag when she bit me in the bag...Oh, I'll never fuck a Polack any more (THIS IS A POEM????)

Page 173. And the peckers of the young men would still be semi-erect, and their muscles would be bulging like cannonballs.

Page 175. They didn't have hard-ons....Everybody else did.

Page 177. The magazine, which was published for lonesome men to jerk off to.

Page 178. and one critic said..."To describe blow-jobs artistically.

NOTE: PLEASE READ EVERY WORD OF THIS SECTION pages 94 & 95: But the Gospels actually taught this: Before you kill somebody, make absolutely sure he isn't well connected...

The flaw in the Christ stories...was that Christ...didn't look like much, was actually the son of the most powerful Being in universe. Readers understood that, so, when they came to the crucifixion, they naturally thought...Oh boy—they sure picked the wrong guy to lynch this time! And that thought had a brother: There are right people to lynch...people not well connected...The visitor from outer space made a gift to Earn of a new Gospel. In it, Jesus really WAS a nobody, and a pain in the neck to a lot of people with better connections than he had...So the people amused themselves one day by nailing him to a cross and planting the cross in the ground. There couldn't possibly be any repercussions, the lynchers thought...since the new Gospel hammered home again and again what a nobody Jesus. And then just before the nobody died...The voice of God came crashing down. He told the people that he was adopting the bum as his son...God said this FROM THIS MOMENT ON, HE WILL PUNISH HORRIBLY ANYBODY WHO TORMENTS A BUM WHO HAS NO CONNECTIONS.

MORE R-RATED BOOKS

(THE FOLLOWING WERE FOUND IN THE CARD CATALOG OR ON SHELVES OF TARA H.S. LIBRARY MARCH 23, 1975, BY AN INSPECTION TEAM OF CONCERNED CITIZENS AND TAXPAYERS FOR DECENT SCHOOL BOOKS):

The Best Short Stories by Negro Writers. Ed. by Langston Hughes

Page 176. "like bat's shit and camel piss."

Page 288. "that no-count bitch of a daughter of yours is up there up North making a whore of herself."

Page 237. "They made her get out of the car and stand in front of the headlights and pull her pants and raise her dress—they said that that was the only way they could be sure. And you can imagine what they said and what they did."

Page 301. "You need some pussy. Come on, let's go up to the whore house on the hill."

"Oh, those bastards, this God damned Army and the bastards in it. The sons of bitches."

Page 436. "he produced a broom rag doll, looked at her again, then grabbed the doll by its legs, and tore it part way up the middle. Then he jammed his finger into the rip between the doll's legs. The other men laughed..."

Page 444. "The pimps, hustlers, lesbians, and others trying to misuse me."

Page 462. "But she had straight firm legs and her breasts were small and upright. No doubt if she'd had children her breasts would be hanging like little empty purses."

Page 464. "She first became aware of the warm tense nipples on her breasts. Her hands went up gently to calm them." "In profile, his penis hung like a stout tassle. She could even tell that he was circumcised."

Page 406. "Cadillac Bill was busy following Luheaster around, rubbing her stomach and saying, 'Magic Stomach, Magic Stomach, bring me a little baby cadillac.' " "One of the girls went upstairs with Red Top and stayed for about forty five minutes."

Real Magic by P.E.I. Bonewits

Pages 172-3. "There is a particular person you really want to go to bed with but he or she isn't interested...Again you use the multi-media approach; you surround yourself with the sounds, smells, lights, textures, and colors that remind you of pure, adulterated lust!...You imagine the target as passionately assuming a sexual position, ready and willing...Wait as long as you can to build up your lust to its peak, and then fire. A physical orgasm at the time of firing will actually help, (but not before.) Some readers might think that this is merely a description of sexual fantasy. It's more. In a sexual fantasy the goal is an orgasm and nothing more. In a lust spell any orgasm is a mere side effect to the real goal, which is the discharge of psychic energy to affect someone else's mind."

Black Boy by Richard Wright

Pages 70-1. "We black children used to run to the Jew's store and shout: 'Bloody Christ killers—Never trust a Jew—Bloody Christ killers—What don't a Jew do?' or 'Red, white and blue—Your pa was Jew—Your ma a dirty Dago—What the hell is you?"

Page 265. "Crush that nigger's nuts, nigger!" "Hit that nigger!" "Aw, fight, you goddam niggers!" "Sock 'im, in his f–k–g piece!" "Make 'im bleed!"

Laughing Boy by Oliver LaFarge

Page 38. "I tell you . she is all bad; for two bits she will do the worst thing."

Pages 258-9. "I was frightened when he wanted me to lie with him, but he made me feel all right. He knew all about how to make women forget themselves, that man."

Black Rage by William H. Grier and Price M. Cobbs

Pages 76-7. "The fascination black people have for white people in the sexual area can hardly be exaggerated...In possessing the right woman he sees himself as degrading her, in this instance sharing the community's feelings that a white woman who submits to a black lover becomes as debased as he. In this way he may feel the gratification of turning the tables on his white oppressor and thus becoming the instrument through which a white person is degraded."

The Naked Ape by Desmond Morris.

Pages 73-4. Also, the frontal approach provides the maximum possibility for the pulling effect of the male's thrusts, regardless of his body position in relation to the female, but in a face-to-face mating there will in addition to the direct rhythmic pressure of the male's pubic region on to the clitoral area, and this will considerably heighten the stimulation." "So it seems plausible to consider that face-to-face copulation is basic to our species. There are, of course, a number of variations that do not eliminate the frontal element: Male above, female above, side by side, squatting, standing, and so on, but the most efficient and commonly used one is with both partners horizontal, the male above the female..."

Page 80. "...This broadening of the penis results in the female's external genitals being subjected to much more pulling and pushing during the performance of pelvic thrusts. With each

inward thrust of the penis, the clitoral region is pulled downwards and then, with each withdrawal, it moves up again. Add to this the rhythmic pressure being exerted on to the clitoral region by the pubic region of the frontally copulating male, and you have a reapeated massaging of the clitoris that—were she a male—would virtually be masturbatory."

Pages 94-5. "...If either males or females cannot for some reason obtain sexual access to their opposite numbers, they will find sexual outlets in other ways. They may use other members of their own sex, or they may even use members of other species, or they may masturbate..."

LEGISLATORS: KEEP MORATORIUM ON SEX ED! PROVIDE CRIMINAL PENALTY SO D.A.'S CAN PROSECUTE VIOLATORS! PROTECT THE CHILDREN.

Our Sexual Evolution by Helen Colton—This library book displayed in the Tara High School Library appears to be in violation of Act 500 of the Louisiana Legislature. It belittles parents, presents no moral judgments, is anti-Christian and contrary to laws of God. It has chapters on Group Marriage, Abortion, Contraceptives, etc. It also promotes women's lib. It cost $5.95 of our tax dollars.

A Reader for Writers—A Critical Analogy of Prose Readings by Jerome W. Archer—This book was used in an advanced composition class at Tara High School. It equates Malcolm X, considered by many to be a traitor to this country, with the founding fathers of our country.

Mass Media and the Popular Arts by Rissover/ Birch (McGraw-Hill Book Co.)—This was used as a textbook in a high school English class in several high schools until its withdrawl when the District Attorney threatened legal action if the book was continued to be used.

Excerpts follow:

Page 85. "Viewers saw only the nightsticks rising and falling; they never heard the unison chants of 'F--k the cops' or saw the bags of human excrement thrown by the Yippies. And after the convention, when it was time to sum up, all the Respected Commentators could do was gangbang the cops."

Page 95. "I Turned the School Dance Into a Drug-filled Sex Orgy"—"Wedding Night bot, I'll Have Her Begging for More"—"Fourteen and My Stepfather Said 'Now You're Ripe for Me to Love"—"My Husband Thinks I'm FRIGID, but His Brother Knows I'm Not"—"Virgin Nurse In a Sex-crazed Madman's Ward."

Page 195. "Poor Tom has just learned that the male offspring of his second wife is the product of his grown son by his first wife."

Page 231. "...Italian homosexual who had been the last companion of his mother (or at least the woman he thought was his mother) and in her rage took the gold bracelet that the Italian homosexual had had Robin's name engraved on, a bracelet that could have been embarrassing..."

Page 234. "I could see the womanly rippling muscles underneath and the fine wide breasts that fought the negligee to be free. She sat down on the couch and cut off the buttons. The negligee fell open. She didn't bother to close it."

Page 235. "She had fine wide shoulders and handsome breasts that struck out against the jacket of her smart suit...When she returned she was dressed only in a pair of peach-fuzz panties. She lay down on the couch and beckoned. I went over, my blood on fire. In a moment I felt her lips against mine, her body pressing hard. I could hardly breathe. The blood was hammering in my head. 'Take me now,' she gasped."

Page 236. "Her breasts, free and unsupported, fought against her lingerie and against her blouse...The next thing I know I was in paradise..."

Page 237. "She was coming toward me now, her nostrils flaring, her beautiful breasts scrimmaging with a nylon blouse."

Page 287. "While the White Panthers talk of 'total assault upon the culture by any means necessary, including rock and roll, dope and f--king in the streets..."

Page 289. "...motherf--ker..."

Page 290. "...he had to display his penis to make his point."

Page 310. "In school we learn to be good little Americans—or Frenchmen—or Russians. We learn how to take the crap that's going to be shoveled on us all our lives...Schools exploit you because they tap your power and use it to perpetuate society's trip, while they teach you not to respect your own. Schools petrify society because their method, characterized by coercion from the top down, works against any substantial social change. Students are coerced by teachers, who take orders from administrators, who do the bidding of those stalwarts of the status quo on the board of education or the board of trustees."

Page 311. "As the tensions in our society work their way up to the surface, some overt rebellion appears in many settings; certainly it appears in schools, which offer at least a meeting place and staging ground for young middle-class rebels. May it grow in good health."

Page 312. "...There is very little shit we will not eat if there is something to be gained by it."

Page 244. "...G--damn..."

NOTE: CONCERNED CITIZENS AND TAXPAYERS FOR DECENT SCHOOL BOOKS (BOX 1984, BATON ROUGE, LA.) HAVE BEEN DENIED PERMISSION BY THE E.B.R. SCHOOL BOARD TO EXAMINE SCHOOL BOOKS. HOW MANY MORE BOOKS SUCH AS THE ABOVE ARE IN THE SCHOOLS???

EXHIBIT A-2

OFFICE OF THE SUPERINTENDENT OF SCHOOLS

February 27, 1976

CONFIDENTIAL MEMO

TO: Board of Education

FROM: Richard Morrow, Superintendent

SUBJECT: *List of Books to be Banned*

This will be a somewhat lengthy memo in which I'll try to do several things: 1) make clear what I was trying to say at the February 24th private session (just prior to the public meetings); 2) tell you what is already starting to happen as a result of our pulling from the shelves the books on that list; and 3) propose a way the whole issue can be handled quickly and, above all, as quietly as possible.

Since several weeks will go by before we meet again and since the whole issue could get way out of hand before we do, I'd appreciate it if once you've all read this that you contact Mr. Ahrens about it. I'll plan to call him next Wednesday to see what your reactions are.

I. *My Point of View*

I tried to make myself as clear as possible on the 24th, but we were all pressed for time and there was considerable heat surrounding the issue. Let me try to explain how I view the issue.

First, I do not defend literature which contains "rot" of the kind that many books do. I would not defend any of the books on the list without knowing a great deal more about them. It happens that I have read only one book on the list—incidentally, I saw the list for the first time that night. The others are unknown to me.

It is no doubt true that some books in print are unsuitable for school age children, and they should not be used in schools. However, the judgment of their suitability or unsuitability should be made by people in each school district (because districts do differ in their tastes) and only after reading and evaluating the books called into question.

Second, as just mentioned, I feel that the judgment to remove a book should be made *in each district* and by parents and staff together. A committee including both should examine the challenged books, and recommend action to the administration and the Board. The final decision, of course, is the Board's. My objection to direct action banning all the books on the list purchased at Watkins Glen is that we don't know who developed the list, nor the criteria they used. I don't believe we should accept and act on someone else's list, unless we first study the books ourselves.

Third, we already have a policy—Croft number 6163.1—designed expressly to handle such problems. It calls for the Superintendent, upon receiving an objection to a book or books, to appoint a committee to study them and make recommendations. I feel it is a good policy—and it is Board policy—and that it should be followed in this instance. Furthermore, I think it can be followed quietly and in such a way as to reduce, perhaps avoid, the public furor which has always attended such issues in the past.

Fourth, I have no doubt (but of course no proof) that such a local committee would end up agreeing about most of the books

on the list. The Board's feelings on them are not so different from the staff's and parents'—after all, that is shown by the fact that the large majority of books listed are not and apparently never have been recommended and used by the staff.

Fifth, unilateral banning by the Board, without inputs from the staff, would surely create a furious uproar—not only in the staff, but across the community, Long Island and the state. I don't believe you want such an uproar, and I certainly don't.

II. *What's Starting to Happen About the Issue*

After the February 24th meeting when the Board directed the principals that those books be withdrawn from the libraries, several things have happened, all of which are tending to blow the issue into a major dispute. Both principals, of course, had to direct the librarians to remove the books; and inevitably the word began to get around. On Thursday, Mrs. Turin came to me to question what had happened, for example.

Mr. Carroll discovered, on the 25th, that one book on the list but not in the library, is being used as part of a senior course in Literature—Malamud's *The Fixer*. It had been approved as part of that course in January 1972, by the Board of Education. As quietly as possible and without comment, he called in all copies of that book. Inevitably and despite his best efforts to keep things quiet, rumors have already circulated in the High School and even now in some of the elementary schools.

The issue is heating up, and copies of the list are starting to circulate. It will almost certainly become a major controversy in short order. Let me underline one thing here: everyone involved has been close-mouthed and as low-key as possible. Inevitably, though, the rumors are beginning to develop.

III. *What I Propose*

I propose that, beginning as soon as you give me the O.K. (hopefully next Wednesday through Mr. Ahrens), we appoint a staff-parent committee to take under study the books on the list. There are nine in the High School Library, one ("A Reader for Writers") in the Junior High Library, and one ("The Fixer") being used in a 12th grade Literature Course—a total of 11.

Although the policy calls for the Superintendent to appoint the whole committee, I'd suggest that the Board name two or three parents. I would name: Mrs. Turin, the District Chairman of Libraries; Mr. Brunnemer, High School Librarian; an English Department Head; and either Mr. Valenze or Mr. Carroll.

Once the Committee is established, we can withdraw the challenged books to the Library storage shelves, pending study and recommendation by the Committee and final decision by the Board.

I really think this is the best solution, and I'm asking your support.

Richard G. Morrow
Superintendent

RGM: ms

EXHIBIT A-3

OFFICE OF THE DISTRICT CLERK

March 3, 1976

MEMORANDUM

TO: Dr. Richard Morrow

FROM: Richard Ahrens

RE: LIBRARY BOOKS

It is the Board's desire that *all copies* of the library books in question be removed from the libraries to the Board's office at the rear of the Residents' Reference Room in Stokes for a review by the Board, after which we will decide whether or not a committee is necessary in this matter.

Thank you.

R.A.

—iw
cc: Board members

I certify this to be a true copy of a memorandum typed by me on March 3, 1976.

Isabelle Wirkula
District Clerk
March 26, 1976

EXHIBIT A-4

OFFICE OF THE SUPERINTENDENT OF SCHOOLS

Confidential (for Committee, Bd Ed only)

Book Review Committee Members

Mr. Robert Amato
21 Amherst Lane
Hicksville, N.Y. 11801
Tel: 822-7457

Mr. Irving Carroll
1070 Barbara Court
North Bellmore, N.Y. 11710
Tel: 781-3035

Mr. Donald Ferris
7 Lowland Road
Levittown, N.Y. 11756
Tel: 731-5490

Mr. Thomas Lane
237 Crane Place
Levittown, N.Y. 11756
Tel: 731-2268

Mr. Charles Lipp
5 Everett Place
Halesite, N.Y. 11743
Tel: 271-7166

Mr. George O'Donnell
2 Polaris Drive
Levittown, N.Y. 11756
Tel: 731-6802

Mrs. Carol Sachs
80 Bloomingdale Road
Levittown, N.Y. 11756
Tel: 731-5532

Mr. Richard Segerdahl
157 Margaret Boulevard
Merrick, N.Y. 11566
Tel: 546-9012

RGM:kr
4/7/76

EXHIBIT A-4

OFFICE OF THE SUPERINTENDENT OF SCHOOLS

April 7, 1976

Instructions to the Book Review Committee

The Board of Education has asked you to serve as members of a Committee to review several books which have been challenged.

The Board seeks the collective judgment of the Committee about these books, on the basis of these criteria:

1) Their educational suitability
2) Good taste
3) Relevance
4) Appropriateness to age and grade level

We ask that you judge these books in terms of the above, and make recommendations to the Board and the Superintendent concerning their disposition.

We further ask that you withhold any public statements about these books until after you have made your recommendations to the Board and Superintendent.

RGM:kr

EXHIBIT A-5

AGREEMENT

between the

Island Trees Union Free School District #26 Board of Education
County of Nassau, Levittown, N.Y.

and the

United Teachers of Island Trees

July 1, 1975-June 30, 1978

It is agreed by and between the parties that any provision of this agreement requiring legislative action to permit its implementation by amendment of law or by providing the additional funds therefor, shall not become effective until the appropriate legislative body has given approval.

WALF H. OGLESBY
Island Trees Union Free School District
Town of Hempstead
Island Trees 3, Levittown, N.Y. 11756

3. Any teacher may request a followup evaluation in the event that a point of methodology or content is questioned on initial evaluation. The principal and the teacher should discuss this matter and reach a mutual understanding with the person or persons who make the second evaluation. This person or persons shall be selected from the group described in Section C-1.

4. All evaluation forms will be retained at the building level, district office, and a duplicate copy must be given to the teacher. Each teacher shall sign the original. Said signature confirms that the teacher has seen the form, but does not necessarily indicate his/her agreement with the contents.

5. All evaluative material placed in a teacher's personnel file after employment will be available to the teacher for reading. The teacher will also have the right to submit a written answer to any such material and his answer shall be attached to the file copy.

D. *Report of Special Achievement*

Administrators are hereby encouraged to place in the teachers' files information of a positive nature indicating special competencies, achievements, performances or contributions of an academic or professional nature. The teacher will acknowledge that he has had the opportunity to review such material by affixing his signature to the copy to be filed.

E. *Revision of Evaluation Procedure*

The Board and the U.T.I.T. agree to continue a committee to study teacher evaluation and to prepare and submit to the Board and to the U.T.I.T. for their mutual consideration a revised evaluation procedure. It is hereby agreed that the purpose of an evaluation procedure is continually to strengthen and improve the quality of education in the Island Trees School District.

ARTICLE XIX
ACADEMIC FREEDOM

The District's educational program is keyed to the preparation of students for intelligent and meaningful participation in a

democratic society. The Board and the U.T.I.T. agree that academic freedom is essential to the fulfillment of this purpose.

Accordingly, it is agreed that teachers shall have the right to introduce and explore controversial material, provided only that the material and the manner in which it is presented are in good taste, appropriate to the grade level, and relevant to course content. Every effort will be made to present all sides of controversial issues.

It is understood that any topic not included in the curriculum approved by the Board of Education will not be taught. Knowledge of Board approved course content is the responsibility of each staff member.

EXHIBIT A-6

OFFICE OF THE SUPERINTENDENT OF SCHOOLS

3/30/76

Statement Concerning the Book Issue
by
Richard Morrow, Superintendent

I wish to speak tonight to the Board and the Island Trees community concerning the issue of the books recently challenged as objectionable in their content.

All of you are aware that I have not made detailed statements to the press. I want you to know why. I have definite views on the issue, and have had since this whole thing began. My proper public forum as the Superintendent of Island Trees Schools, however, is before the community in public meeting.

The Facts

The heat generated by the book issue has resulted in serious distortions of the truth, and these must be corrected. I will briefly recount what happened.

On February 24th of this year, in a session prior to its regular public meeting, the Board of Education indicated to me, the two Assistant Superintendents and the two Secondary Principals the following: at a conference held last fall in Watkins Glen, board members had obtained a list of 32 books, with attached excerpts from each, which some person or organization distributed as a list of "objectionable" books. As I was told by the Board, two Board members visited the high school library sometime in November

1975, to examine its card catalog. They found nine of the 32 books indexed. However—and this is important—they did not remove the books nor the cards; that was done in February by administrators carrying out a Board directive, as I will shortly explain.

At that February 24th session, the list of 32 books was distributed to the administrators and the principals were directed by the Board to remove the books on the list for review by the Board. At that time, I urged the Board not to take that step, but to follow existing Board policy and establish a Review Committee composed of parents and staff members. The books would then be referred to the Committee, and its deliberations would result in recommendations to be considered by the Board. Incidentally, it has been reported that administration advised the Board to remove the books quietly. What I recommended was that the books be referred to a Committee, pursuant to existing Board policy—obviously this would not keep things quiet. However, as I believed then and still believe, the proper use of established procedure would have avoided the kind of hysterical emotionalism we now have. It would instead have maintained, as much as it is possible in such issues, a reasonably calm and objective atmosphere.

On the day after the Board directed him to do so—on February 25th—the High School Principal directed his librarians to hand in the nine books on the list. The Junior High Principal found that one other book on the list of 32—a book entitled *A Reader for Writers*—was in his library, and he removed it because it was on the list. The Senior High School Principal found that another book—Malamud's *The Fixer*—had been approved by the Island Trees School Board in 1972, and was in use in a Senior Literature Course. Nevertheless, since it was on the list, he had it removed.

These facts just described are important. There have been

claims that no one knew of the books' removal until sometime early in March. The books were removed from the shelves on February 25th. I know that a number of librarians and teachers knew of the removal then, and I know that rumors about their removal were already circulating by the end of February.

It was also reported that administrators suggested additional books for removal, and that has been interpreted to mean books in addition to those on the list. This is not so. The two additional books—*The Fixer* and *A Reader for Writers*—were on the list, and were removed only because they were on the list.

The books were removed on February 25th. Very soon after that, I made another appeal to the Board to follow established policy and create a Review Committee. The Board chose not to, and directed me to have the books moved to the District Residents' Reference Room in Stokes. I did so.

My Views in the Issue

I wish to state for the record where I stand in this matter.

First, there is no question that under New York State Education Law, a local Board of Education has the ultimate responsibility to approve or disapprove reading materials which will be used in the schools. This responsibility extends both to textbooks and to library books. However, I feel it is wrong for a Board—or any other single group—to act to remove books without prolonged prior consideration of the views of both the parents whose children read these books, and the teachers who use these books to instruct.

Second, it is wrong to judge any book on the basis of brief excerpts from it. Many books—among them widely acclaimed

classics—contain brief passages which, if taken out of context, would seem to condemn them.

Third, I believe it is wrong to take action based on a list prepared by someone outside the Island Trees community. The list of 32 books was obtained in Watkins Glen from a source previously unknown to me. The reputed author of the list is an organization called Parents of New York—United. The standards upon which the list was prepared are claimed to be objection to obscenity and degrading language, and to statements of ethnic or racial bias. However, the organization which prepared the list did not spell out their criteria for determining which books should be on it. In fact, it did not even sign the list or identify its source. Without a statement of these criteria, how can Island Trees decide whether it shares the same views?

Fourth, I believe it was wrong to by-pass the established procedure for reviewing the challenged books. The policy—Board Policy 6163.1—was adopted for good reasons. The wisdom of that policy, calling for an orderly review by a Committee, is shown, I think, by what has happened because we didn't follow it.

My Recommendations

I will now repeat my recommendation that a Book Review Committee be appointed immediately, and that it include parents, teachers, librarians and administrators.

Second, I recommend that the Committee be instructed to review all 11 challenged books, and to make recommendations about them to the Superintendent and Board as soon as possible—but no later than May 7th, so that decisions on the books can be made in May.

Third, I recommend that in the interim the challenged books be returned to the shelves, with the understanding that every parent has the right and the responsibility to supervise the materials his child reads.

Finally, I urge everyone—the press as well as all the parties to this controversy—to refrain from further charges and recriminations, and to give this procedure time to function as it was intended.

Richard G. Morrow
Superintendent

RGM:ms
3/30/76

EXHIBIT A-7

OFFICE OF THE SUPERINTENDENT OF SCHOOLS

April 2, 1976

MEMO

TO: Board of Education

FROM: Richard Morrow, Superintendent

SUBJECT: *Book Review Committee; Mrs. Stein's Audience; Budget Review*

I. *Book Review Committee*

I am in hopes that on Monday night, in a Special Meeting just before our Budget Work Session, we can appoint the Book Review Committee.

Actually, two decisions are needed.

First, we should decide whether to return the books pending review by the Committee. I think we should.

Second, we need to appoint the Committee itself. I have been receiving volunteers from the community, and as of this writing they are the following:

Mrs. Barbara Benigno
Mrs. Margaret Bonczyk
Mrs. Helene Burd
Marie Connolly
William Connolly
Mrs. Cusker

Robert Dering
Miss Jodi Doff
Joanne Fanelli
Mrs. Grenier
Mrs. Roslyn Haber
Michael Kmetz
Mrs. Carol Rogoff
Joellen Wachter
Mrs. Edna Yarris
Mr. Donald Ferris

Any others who volunteer on Monday will be reported to you on Monday night.

In addition, I have tentatively contacted staff members to serve, and two have been identified: Irv Carroll, and Mr. Fred Young, a Junior High English teacher. I am still trying to identify a Senior High teacher and a librarian, and will hopefully have their names on Monday.

II. *Mrs. Stein's Audience*

Mrs. Stein is scheduled for an audience before the Board at 8:30 p.m. on Monday night. I am not the best person to advise you how to handle that; I'd suggest you talk to George Lipp about it.

III. *Budget Review*

As I understand it, the major part of the meeting Monday night will be devoted to Budget review. You already have the necessary materials. One added note: the State Aid picture, which we once thought to be settled and clear, has been muddied by Carey's recent veto of the state aid formula.

I'll update all of us as much as I can on Monday night.

Richard G. Morrow
Superintendent

RGM:kr

(EXCERPTS OF BOARD MEETING MINUTES 3/30/76)

LIBRARY BOOKS

Old Business

On motion of Mr. Martin, and seconded by Mr. Melchers,

RESOLVED, to ratify the action of the Board of Education regarding the library books, as stated in the March 3, 1976 memo.

Unanimously carried Ayes 7 Nays 0

BOOK COMMITTEE TO BE APPTD.

On motion of Mr. Melchers, and seconded by Mr. Nessim,

RESOLVED, that a committee, comprised of four members of the staff and four parents, be appointed by the board to read, review and make recommendations regarding the books listed in the March 3rd memo. The recommendations are to be with regard to the educational suitability of these books and whether they are in good taste, appropriate and relevant.

Unanimously carried Ayes 7 Nays 0

MEETING ADJOURNED

On Motion of Mr. Melchers, and seconded by Mr. Hughes,

RESOLVED, to adjourn the meeting at 10:00 P.M.

Unanimously carried Ayes 7 Nays 0

Respectfully submitted

Isabelle Wirkula
District Clerk

Minutes approve: 4/27/76

EXHIBIT A-9

ISLAND TREES UNION FREE SCHOOL DISTRICT
Town of Hempstead
Owl Place and Condor Road
ISLAND TREES 3, LEVITTOWN, N.Y. 11756
Area Code 516 — 731-4020

RICHARD G. MORROW
Superintendent of Schools

April 8, 1976

Dear

The Board of Education and I both thank you for volunteering to serve as a member of the Committee to review and make recommendations concerning the books which have been challenged.

Of course, the decision as to whom to appoint was an extraordinarily difficult one. It was necessary to limit the committee's size, and only four community members could be appointed. You were not one of those chosen.

We want you to know, however, that we appreciate your concern and your offer of assistance.

Sincerely,
Richard G. Morrow
Superintendent

RGM:kr
Letter sent to:

Mr. Michael Kmetz
Mr. William Connolly
Mrs. Helene Burd
Miss Jodi Doff
Mrs. Roslyn Haber
Mrs. Joellen Wachter
Mrs. Edna Yarris
Mrs. Margaret Bonczyk
Mr. Robert Dering
Mrs. Grenier
Mrs. B. Benigno
Mrs. M. Connolly
Mrs. J. Cannella
Mrs. C. Rogoff
Mrs. Cusker

OFFICE OF THE SUPERINTENDENT OF SCHOOLS

April 8, 1976

A Book Review Committee was established jointly by the Island Trees Board of Education and the Superintendent at the April 6 work session.

The four community members are: 1) Mr. Donald Ferris, former Board of Education member; 2) Mr. Thomas Lane, a 1972 Island Trees High School graduate, and a student at Farmingdale Community College; 3) Mr. George O'Donnell, a U.S. Post Office letter carrier and a district resident for two years and 4) Mrs. Carol Sachs, parent and President of the Island Trees PTA Council.

The four staff members are: 1) Mr. Robert Amato, High School Social Studies teacher; 2) Mr. Irving Carroll, High School Principal; 3) Mr. Charles Lipp, High School English teacher; and 4) Mr. Richard Segerdahl, Stokes School Principal and a former Junior High guidance counselor and assistant principal.

The Committee will begin review of the books after its initial meeting on April 7. The books will remain off the shelves during the review, until the Board acts on the Committee's recommendations.

RGM:kr

EXHIBIT A-11

ISLAND TREES HIGH SCHOOL
OFFICE OF THE PRINCIPAL

TO: Dr. Morrow and Board of Education

FROM: Irving Carroll, Chairman - Book Review Committee

DATE: April 30, 1976

The Book Review Committee met on Thursday, April 29, at 7:30 P.M. Seven members were in attendance. Mr. Thomas Lane could not attend but sent in his review and vote.

After a very comprehensive discussion regarding the book *The Fixer* by Bernard Malamud, the vote to return the book to our Modern Literature curriculum was: 6 YES and 2 NO. It was further amended that the book would be returned subject to parental approval. In other words, if a parent disapproves of this book, his or her child will not be required to read it.

Our next meeting is scheduled in your office for Wednesday, May 12, at 7:30 P.M.

Respectfully submitted,
Irving Carroll, Chairman

IC:el

EXHIBIT A-12

ISLAND TREES HIGH SCHOOL
OFFICE OF THE PRINCIPAL

MEMO TO: Mr. R. Ahrens and Board of Education

FROM: Mr. I. Carroll, Chairman

DATE: May 13, 1976

In the review of the books a question has arisen and I have been directed by the Committee to ascertain the answer from you.

Two of the books are a collection of short stories; namely, *Best Short Stories By Negro Writers* - Langston Hughes, and *A Reader For Writers* - Jerome Archer.

The Committee would like to know whether you object to specific stories or the entire book. The Committee would appreciate having this information for our next meeting on Wednesday, May 26.

IC:el

EXHIBIT A-13

TO: Members of the Board of Education

REPORT OF THE BOOK REVIEW COMMITTEE

The Board of Education has asked us to serve as members of a Committee to review several books which have been challenged. The Board seeks the collective judgement of the Committee about these books, on the basis of these criteria:

1) Their educational suitability
2) Good taste
3) Relevance
4) Appropriateness to age and grade level

It was agreed that each member of the Committee would read every book and that the voting would be by closed ballot. A comprehensive discussion of each book was held before voting on the recommendation to the Board of Education.

NOTE: A "YES" vote indicates recommendation that the book be retained. A "NO" vote indicates recommendation that the book be removed from the library.

MEETING DATE	TITLE	AUTHOR
May 12	Laughing Boy YES 8 NO 0	Oliver LaFarge
May 12	Slaughter House Five YES 4 NO 4 (a 2nd vote was taken to put this on a restricted shelf) YES 5 NO 3	Kurt Vonnegut. Jr.

May 26	Black Boy YES 8 NO 0	Richard Wright
May 26	Go Ask Alice YES 7 NO 1	Anonymous
May 26	A Hero Ain't Nothing But A Sandwich YES 4 NO 4	Alice Childress
June 16	The Naked Ape YES 2 NO 6	Desmond Morris
	Down These Mean Streets YES 3 NO 5	Thomas Piri
	Soul On Ice YES 4 NO 4	Eldridge Cleaver
June 30	The Best Short Stories by by Negro Writers YES 5 NO 2 1 ABSENT	Langston Hughes
	A Reader for Writers	Jerome W. Archer

(This book seems to be unavailable in this area. For this reason, most of the members would not have been able to read the book within a reasonable length of time. Therefore, we are unable to make a recommendation).

As Chairman of the Committee, I wish to state that I am extremely proud of each member for undertaking a very difficult, responsible, and arduous task. It was a pleasure to work with them and, even though differences of opinion were expressed,

mutual respect was maintained.

Respectfully submitted,
Irving Carroll, Chairman

Committee Members:
Mr. Robert Amato
Mr. Donald Ferris
Mr. Thomas Lane
Mr. Charles Lipp
Mr. George O'Donnell
Mrs. Carol Sachs
Mr. Richard Segerdahl

Date: July 1, 1976

EXHIBIT A-14

Minutes of the Regular Meeting of the Board of Education, Island Trees Union Free School District, Town of Hempstead, County of Nassau, Levittown, New York. The meeting was held at the Michael F. Stokes School, Owl Place and Condor Road, Levittown, New York, on Wednesday, July 28, 1976.

The meeting was called to order by the president, Mr. Ahrens, at 9:30 P.M.

PRESENT: Mr. Richard Ahrens, President
Mr. Frank Martin, Vice President
Mrs. Christina Fasulo
Mr. Patrick Hughes
Mr. Richard Melchers
Mr. Richard Michaels
Mr. Louis Nessim

Also present: Mr. Walf H. Oglesby, Acting Superintendent of Schools, Mr. George W. Lipp, Jr., Chief Legal Officer, and Mrs. Isabelle Wirkula, District Clerk.

PLEDGE

Mr. Ahrens led the pledge of allegiance to the flag.

MINUTES APPROVED

On motion of Mr. Hughes, and seconded by Mr. Nessim,

RESOLVED, to approve the minutes of the Regular Meeting of June 29, 1976, and the Reorganizational Meeting of July 1, 1976, as presented.

Unanimously carried Ayes 7 Nays 0

CROFT - SUPT. OF SCHOOLS APPROVED

On motion of Mr. Hughes, and seconded by Mr. Martin,

RESOLVED, to approve Croft - Policies, Regulations #2111.1 Qualifications and Appointment Superintendent of Schools

Unanimously carried Ayes 7 Nays 0

W.H. OGLESBY APPOINTED SUPT. OF SCHOOLS

On motion of Mr. Ahrens, and seconded by Mrs. Fasulo,

RESOLVED, that Walf H. Oglesby be given a four year contract commencing July 1, 1976, ending June 30, 1980, as Superintendent of the Island Trees Union Free School District, effective July 1, 1976.

Unanimously carried Ayes 7 Nays 0

R.N. SEGERDAHL APPOINTED ASST. SUPT. & PRINCIPAL

On motion of Mr. Hughes, and seconded by Mr. Michaels,

RESOLVED, that Richard N. Segerdahl be appointed Assistant Superintendent of Curriculum and Principal of the M.F. Stokes School for the school year 1976-77, effective July 1, 1976.

Unanimously carried Ayes 7 Nays 0

POSITIONS ABOLISHED NURSE-TCHRS. GUIDANCE ELEMENTARY

On motion of Mr. Martin, and seconded by Mr. Nessim,

RESOLVED, that the Island Trees Union Free School District

abolish the seven nurse-teacher positions, one guidance position, and five elementary teaching positions, effective June 30, 1976.

Unanimously carried Ayes 7 Nays 0

Superintendent's Report

HANDICAPPED COMMITTEE

On motion of Mr. Hughes, and seconded by Mr. Martin,

RESOLVED, that a Committee for the Handicapped be designated as consisting of an Assistant Superintendent of Schools, as Chairman, a school medical doctor, two school psychologists, a teacher of the handicapped, a district certified social worker, and two parents of handicapped children.

Unanimously carried Ayes 7 Nays 0

BUILDING RENTAL FEES APPROVED

On motion of Mr. Nessim, and seconded by Mrs. Fasulo,

RESOLVED, that the schedule of building rental fees attached and the application form for use of school district buildings and grounds be approved.

Unanimously carried Ayes 7 Nays 0

APPROVAL FOR BOCES ATTENDANCE

On motion of Mr. Martin, and seconded by Mr. Nessim,

RESOLVED, that BOCES programs by a post graduate student in dental assisting (student's expense); auto mechanics by a Coast Guard veteran (district expense); and a 3rd year program by a student for marine engines, be approved.

Unanimously carried Ayes 7 Nays 0

FIRE PREVENTION PROGRAMS

On motion of Mr. Martin, and seconded by Mr. Nessim,

RESOLVED, that the district cooperate with the Levittown Fire Department in presenting fire prevention programs in the schools of the district.

Unanimously carried Ayes 7 Nays 0

RECREATION PROJECT W/ TOWN OF HEMP.

On motion of Mr. Hughes, and seconded by Mr. Nessim,

RESOLVED, that the district apply for funds for a recreation project in the amount of $3,200. in conjunction with the Town of Hempstead

Unanimously carried Ayes 7 Nays 0

CROFT-1st Reading JOB DESCRIPTIONS

CROFT - Policies, Regulations

First Reading — #2111 (a) & (b) Superintendent of Schools
#2112 Assistant Superintendent: Business
#2113 (a) & (b) Assistant Superintendent: Curriculum & Instruction

PERSONNEL REPORTS APPROVED

On motion of Mrs. Fasulo, and seconded by Mr. Nessim,

RESOLVED, to approve the following personnel reports, as presented:

#401.177.001 Items 1 through 15
#401.177.002 Items 16 through 30
#401.177.003 Items 31 through 45
#401.177.004 Items 46 through 61
#401.177.005 Items 62 through 67, and Items 1 and 2
#401.177.006 Items 1 through 10
#401.177.007 Items 11 and 12, and Item 1
#401.177.008 Items 1 through 5
#401.177.009 Item 1

Unanimously carried Ayes 7 Nays 0

Business Administrator's Report

BIDS APPROVED

On motion of Mr. Martin, and seconded by Mrs. Fasulo,

RESOLVED, that bids #673.077.002 — Milk and Chocolate Milk, and #673.077.003 - Ice Cream, be approved.

Unanimously carried Ayes 7 Nays 0

MAG. BID TABLED

Bid #673.077.005 - Magazine Subscriptions - was TABLED until the September meeting.

TREAS. RPT. RECEIVED

The Treasurer's Report for June 1976 has been received by the Board of Education.

CONTRACT AWARDED TO WE TRANSPORT

On motion of Mr. Nessim, and seconded by Mrs. Fasulo,

(EXCERPTS FROM BOARD MEETING MINUTES 7/28/76)

RESOLVED, that WE Transport be awarded the contract for transportation of nine (9) pupils to Chaminade High School for the school year 1976-77.

Unanimously carried Ayes 7 Nays 0

SALARY SCHEDULES APPROVED

On motion of Mr. Martin, and seconded by Mrs. Fasulo,

RESOLVED, that Salary Schedules #40, #33, and #29 be approved as listed in attached Business Administrator's Report.

Motion carried Ayes 6 Nays 0 Abstentions 1 (Hughes)

TRANSFER OF FUNDS APPROVED

On motion of Mr. Hughes, and seconded by Mr. Nessim,

RESOLVED, to approve the transfer of funds for year ending June 30, 1976, as presented.

Unanimously carried Ayes 7 Nays 0

BLDGS. & GROUNDS RPT. RECEIVED

The Board of Education has received the Buildings and Grounds Report dated July 8, 1976.

BOOK ISSUE

Action on Books Reviewed by Committee and Board of Education

1. SLAUGHTER HOUSE FIVE — Kurt Vonnegut, Jr.
Committee Vote — 4 to Retain — 4 to Remove

On motion of Mr. Melchers, and seconded by Mr. Nessim,

RESOLVED, that the book *Slaughter House Five* be removed from elementary and secondary libraries and for use in the curriculum.

Unanimously carried 7 to Remove 0 to Retain

2. THE NAKED APE — Desmond Morris
Committee Vote — 2 to Retain — 6 to Remove

On motion of Mr. Hughes, and seconded by Mr. Martin,

RESOLVED, that the book *The Naked Ape* be removed from elementary and secondary libraries, and for use in the curriculum.

Unanimously carried 7 to Remove 0 to Retain

3. DOWN THESE MEAN STREETS - Thomas Piri (sic)
Committee Vote — 3 to Retain — 5 to Remove

On motion of Mr. Hughes, and seconded by Mr. Melchers,

RESOLVED, that the book *Down These Mean Streets* be removed from elementary and secondary libraries, and for use in the curriculum.

Unanimously carried 7 to Remove 0 to Retain

4. SOUL ON ICE — Eldridge Cleaver
Committee Vote — 4 to Retain — 4 to Remove

On motion of Mr. Martin, and seconded by Mr. Melchers,

RESOLVED, that the book *Soul On Ice* be removed from elementary and secondary libraries, and for use in the curriculum.

Unanimously carried 7 to Remove 0 to Retain

5. BEST SHORT STORIES BY NEGRO WRITERS - Langston Hughes
Committee Vote — 5 to Retain — 2 to Remove — 1 Abstention

On motion of Mr. Hughes, and seconded by Mrs. Fasulo,

RESOLVED, that the book *Best Short Stories by Negro Writers* be removed from elementary and secondary libraries, and for use in the curriculum.

Unanimously carried 7 to Remove 0 to Retain

6. GO ASK ALICE — Anonymous
Committee Vote — 7 to Retain — 1 to Remove

On motion of Mrs. Fasulo, and seconded by Mr. Hughes,

RESOLVED, that the book *Go Ask Alice* be removed from elementary and secondary libraries, and for use in the curriculum.

Motion carried 6 to Remove 1 to Retain on a Restricted basis (Nessim).

Note: Books on a "Restricted" list would need parental approval for use by a student.

7. LAUGHING BOY — Oliver LaFarge
Committee Vote — 8 to Retain — 0 to Remove

On motion of Mrs. Fasulo, and seconded by Mr. Melchers,

RESOLVED, that the book *Laughing Boy* be returned to the library shelves without restriction.

Unanimously carried 7 to Retain 0 to Remove

8. BLACK BOY — Richard Wright
Committee Vote — 8 to Retain — 0 - Remove

On motion of Mr. Martin, and seconded by Mrs. Fasulo,

RESOLVED, that the book *Black Boy* be returned to the library shelves on a restricted basis.

Motion carried — 6 to Retain on a Restricted basis
1 to Retain with no Restrictions (Melchers)

9. A HERO AIN'T NOTHING BUT A SANDWICH — Alice Childress
Committee Vote — 4 to Retain — 4 to Remove

On motion of Mr. Michaels, and seconded by Mr. Hughes.

RESOLVED, that the book *A Hero Ain't Nothing But A Sandwich* be removed from the elementary and secondary libraries, and for use in curriculum.

Motion carried — 5 to Remove — 2 to Retain on a Restricted basis (Martin & Nessim)

10. THE FIXER — Bernard Malamud
Committee Vote — 5 to Retain on a Restricted basis — 3 to Remove

On motion of Mrs. Fasulo, and seconded by Mr. Melchers,

RESOLVED, that the book *The Fixer* be removed from the elementary and secondary libraries, and for use in the curriculum.

Motion carried — 4 to Remove — 2 to Retain on a Restricted basis (Martin & Michaels) — 1 to Retain with no Restrictions (Nessim)

11. A READER FOR WRITERS — Jerome W. Archer

No action taken by the Committee due to the fact that only one copy was available and all members did not have an opportunity to evaluate it.

On motion of Mrs. Fasulo, and seconded by Mr. Michaels,

RESOLVED, that the book *A Reader For Writers* be removed from the elementary and secondary libraries, and for use in the curriculum.

Unanimously carried — 7 to Remove — 0 to Retain

OLD BUS. — NONE

Old Business — None

NEW BUS.

New Business

On motion of Mr. Martin, and seconded by Mr. Hughes,

Whereas, the Board of Education of Island Trees has been threatened with legal action by the New York Civil Liberties Union in an attempt to have the Board reverse it's decision on the book issue, and

Whereas, the Board of Education has been elected by the resi-

dents of Island Trees and charged with the responsibility and control of the local School District as their elected representatives, be it therefore

RESOLVED, that the Island Trees Board of Education takes strong opposition to the attempted usurpation by the New York Civil Liberties Union, of the right of local control of schools by district resident, (sic) and be it further

RESOLVED, that the Board of Education of Island Trees does not now, or in the future, intend to let this, or any other organization, board of trustees, or individual from outside the district, pressure or intimidate this Board in its decision making or the operation of the schools.

Unanimously carried Ayes 7 Nays 0

Additional statements regarding the American Civil Liberties Union made by Mr. Martin and Mr. Ahrens are attached to the official minutes of this meeting.

On motion of Mrs. Fasulo, and seconded by Mr. Nessim,

RESOLVED, to adjourn the meeting at 10:30 P.M.

Unanimously carried Ayes 7 Nays 0

Respectfully submitted,

Isabelle Wirkula
District Clerk

Minutes approved:

EXHIBIT A-15

Annual Meeting of the Taxpayers of the Island Trees Union Free School District, Town of Hempstead, County of Nassau, Levittown, New York, was held in the Auditorium of the Island Trees High School, Straight Lane, Levittown, New York, Tuesday, May 24, 1977.

The meeting was called to order by the President of the Board of Education, Mr. Richard Ahrens, at 8:05 P.M.

PRESENT: Mr. Richard Ahrens, President
Mr. Frank Martin, Vice President
Mrs. Christina Fasulo
Mr. Patrick Hughes
Mr. Richard Melchers
Mr. Richard Michaels
Mr. Louis Nessim

Also Present: Mr. Walf H. Oglesby, Superintendent of Schools, Mr. Eugene Reilly, Assistant Superintendent for Business, Mr. Richard Segerdahl, Assistant Superintendent for Curriculum and Instruction, Mr. George W. Lipp, Jr., Chief Legal Officer, Mrs. Isabelle Wirkula, District Clerk, Mrs. Rita Barbour, Assistant Business Manager, and Mrs. Claire Thompson, Statistical Clerk.

CHAIRMAN APPOINTED

On motion of Mr. Nessim, and seconded by Mrs. Fasulo,

RESOLVED, to appoint Mr. Donald Ferris as chairman of the annual meeting.

Unanimously carried Ayes 7 Nays 0

BUDGET REVIEWED

Mr. Walf Oglesby reviewed the budget page by page, and the taxpayers were permitted to ask questions.

MTG. ADJ.

The meeting was adjourned at 10:40 P.M., May 24, 1977.

MTG. RECONV.

The meeting was reconvened at 12:00 Noon on May 25, 1977.

BUDGET & TRUSTEE ELECTION RESULTS

Budget and Trustee Election results:

BUDGET: YES 1167 NO 556

TRUSTEES:

Mr. Richard Ahrens 1011

Mr. James Hamilton 897

Mr. Michael Kmetz 894

Mr. Frank Martin 1015

Total number of voters: 1939

The meeting was adjourned at 9:30 P.M.

Respectfully submitted,

Isabelle Wirkula
District Clerk

Minutes approved:

EXHIBIT A-16

(THE NEW YORK TIMES 5/22/77)

After 14 Months, a Vote on 'the Books'

By Ari L. Goldman

LEVITTOWN—More than a year after the small Island Trees School District here gained national prominence—some notoriety—for banning nine books on library shelves, the book issue has yet to go away.

Legal issues are still being argued in the courts and the educational implications are still being debated by parents, students and teachers. The candidates in this Wednesday's school-board election initially said that the book banning would not be an issue in the campaign, but "the books" come up in almost every conversation and campaign speech.

"The board of education hasn't been representing the people in the community," said Michael Kmetz, who, together with James Hamilton, is challenging the president and vice president of the school board. "The perfect example is the books."

"The books" has become the catch-all phrase for the action by the school board last March in removing nine titles from the school library shelves. The board found that the books contained "material which is offensive to Christians, Jews, blacks and Americans in general." Among the volumes were "Slaughterhouse Five" by Kurt Vonnegut, Jr.; "The Fixer" by Bernard Malamud, and "Down These Mean Streets" by Piri Thomas.

"When I decided to run I really didn't feel that it was an issue," said Mr. Hamilton, a department-store manager, who has been campaigning door-to-door in the community. "But it seems

wherever we go people ask, 'Where do you stand on the books?' "

One person who is not discussing the books is Walf Oglesby, the school district superintendent. When asked recently for an interview to discuss the book issue and the May 25 election, Mr. Oglesby said he would not be available for comment until June 1.

But Richard Ahrens, the school board president, was willing to defend what he and the other board members did in March 1976. "We're not ashamed of what we've done," he said in an interview. "We stand by our convictions. These particular books have no business being in a senior high school. They are educationally unsound."

Moreover, Mr. Ahrens said, the school board has the support of the community on the book issue. He cited a recent district-wide poll wherein 70 percent of those who responded favored the board's action. "It has been widely distorted in the newspapers that the community is split on this issue. That is not so. They are behind us."

"We're not going to be pressured by the press or by the A.C.L.U.," he added.

Last January, the American Civil Liberties Union brought a class-action suit on behalf of Island Trees students in State Supreme Court in Mineola. The suit contends that the book ban violates the students' freedom of speech and academic freedom.

The United Teachers of Island Trees has also filed a grievance with the state, asserting that the academic freedom of the teachers has been violated.

Mr. Hamilton and Mr. Kmetz, the challengers, maintain that

community sentiment is against the book ban and the way in which it was carried out. Mr. Hamilton said that a referendum should have been held before the board's action. He added that this Wednesday's election "will be as good as any referendum" on the book issue.

Both men have taken a stand against book bannings. "You don't corrupt a child by giving him too much knowledge," Mr. Hamilton said. "Books such as these give children a picture of the world that they don't see in Island Trees."

The Island Trees School District takes in a 2.5-square mile slice of a largely Italian and Irish section of Levittown. The community is almost exclusively white. The school district, with about 3,700 pupils, is one of Nassau County's smaller districts, and the new school budget of $11.7 million is one of the lowest in the area. The budget approved earlier this month resulted in a relatively small increase of 86 cents in the tax rate, bringing it to $17.59 per $100 of assessed valuation.

Economy is the major plank in the re-election campaign of Mr. Ahrens and the vice president of the board, Frank Martin. "We've cut all the fat out of the budget," Mr. Ahrens said. "And when it comes to negotiating new contracts [with the teachers union] we just don't roll over and play dead. We're not opposed to them making money, but the people of Island Trees have limits and we're at it right now."

"Sure they've kept the budget low," Mr. Kmetz said, "but it's been at the expense of education." Mr. Kmetz, who is challenging Mr. Martin, said that many courses, such as advanced German and French, had been phased out and that many good teachers had been laid off. He also criticized the school lunch program for emphasizing cheap "junk food" rather than a more nutritious

menu.

Mr. Ahrens, however, maintained that the policies of the board had resulted in better pupil performance. "We are getting back to basics," he said, "better reading, better arithmetic, better discipline." Recently, he said, the board found out that three different reading programs existed in the elementary schools. The board replaced them with what he called "time-tested programs from 50 or 60 years ago." The district saved money on new books and reading materials, and at the same time reading and math scores improved, he said.

A teacher, who like others at the school asked not to be identified, acknowledged that there had been some recent improvement in student test scores. "But scores have a limited value, they are not everything," she said.

"The school board believes that if they can show that the children are testing well, then everything is all right," she added. "But scores don't show comprehension, depth, creativity or reasoning. They don't measure the development of the intellect. Tests show skills, not application."

The teacher said that the school administration had "squeezed out any kind of creativity" at the schools in the Island Trees district.

As a result of austerity, she said, children are using science books that talk about, "some day, when astronauts get to the moon...."

"The district can afford three full-time attorneys to work on all the lawsuits, but they can't spend money for up-to-date books for the classroom."

The legal struggle has become complex in recent weeks as lawyers for the school district have tried to move the A.C.L.U. suit to Federal Court. According to Alan Levine, a lawyer for the Civil Liberties Group, the A.C.L.U. brought the case in state court because several years ago the actions of a school board in Queens in banning "Down These Mean Streets" was upheld by a Federal Court. There is another precedent, however, in a recent Ohio case where a Federal Court found that a school board had no right to bar from the school library "Slaughterhouse-Five" and Joseph Heller's "Catch-22".

Mr. Levine said that the Island Trees case had been brought in state court in the hope that the issues would be "freshly examined." The A.C.L.U. suit contends that the school board has violated the state constitution's guarantees of free speech.

Many students and teachers at the school district are looking toward the outcome of the upcoming election and the outcome of the lawsuit to end what one teacher at the school described as "the bitterness here."

Janet Renke, a senior and editor of the high school newspaper, said that there was "a lot of potential for good things" in the school district. "We've had enough turmoil here for a long, long time," she said.

The New York Times, Sunday, May 22, 1977

EXHIBIT A-18

BOARD OF EDUCATION
Island Trees Union Free School District
Town of Hempstead
Island Trees 3, Levittown, N.Y. 11756

I have _____ students attending the Island Trees Public Schools.

_____ of them are under 18 years of age.

As parents of these students

_____ I support _____ I do not support

the Board's action removing the books in question from the school libraries and curriculum.

_____

Signature

PLEASE RETURN BY FEBRUARY 1.

EXHIBIT A-19

ISLAND TREES NEWSLETTER
District Office: M.F. Stokes School, Island Trees 3, Levittown

March, 1976

Dear Residents,

The entire contents of this special newsletter will be devoted to the library book issue. The reasons for the newsletter are two-fold. First and foremost, to correct the lies and misinformation which has been spread by the teachers' union regarding the way in which the books in question were removed from the libraries. The union (Mr. Walter Compare, President, in particular) and some of the news media would have you believe that two board members, under the cover of darkness, did actually sneak into the library and remove the books from the shelves, and cards from the card catalog. This is an outright, absolute and deliberate lie. What did, in fact, happen was that the books in question were collected by administration so that they might be reviewed by the board. (See copy of memo from Mr. Ahrens to Dr. Morrow page 3). What's more, Mr. Compare knew it. We refer you to the news story in the Long Island Press of March 20, 1976. We quote the Press: "...said the union president. He also denied that any union members knew about the board's plan until March 3 when the board directed the Superintendent, Richard Morrow, to collect selected books for review." So you see, even though Mr. Compare was fully aware that the board had directed the superintendent to remove the books in question as early as March 3, he still went ahead and deliberately give false information to the N.Y. Daily News on March 18, a full day before they even presented the board with their so-called grievance. Mr. Compare has once again demonstrated that he will stoop to any level to discredit this board of

education—and outright lies seem to be the union's favorite tactic.

The second reason for this newsletter is to clear up the issue itself. With all the sensationalism surrounding the alleged way that the books themselves were removed from the library, the real issue of whether the books belong in the school library, and who should decide whether or not they do, seems to have been completely forgotten. We must emphasize the fact that what we are talking about here is *not* censorship. No member of this board has advocated that these, or any other books, be taken out of *all* libraries, or *all* book stores. What we are talking about is excluding objectionable reading material from our school libraries—if they are found to be objectionable.

The next question is, who makes the decision? Does the news media decide from which books your children are taught? Should it be the people who award Pulitzer prizes? Or, maybe it should be today's dedicated teacher union leaders? We believe that not even the professional educators and educational administrators have a right to usurp the parents' authority in these matters. We fully support the N.Y. State Education Law (Sec. 1709 Sub. (3)(4)(5)) which states that the parents are the ones who should select the books, and all other educational materials their children use. This is done through the democratic process by their elected representatives on the board of education. God help all of us if the parents should ever lose this authority.

We ask the people of the district to read this newsletter and to attend the Board Meeting on Tuesday, March 30, at 9:00 P.M. You will have the opportunity to examine the books yourselves. These books do have objectionable passages in them, and whether or not you find them personally offensive, we are sure that you will

agree that the material will offend a large segment of our district's residents. But please, you decide! Don't let a journalist or a vindictive teachers' union president decide for you. It is a far too important issue!

ISLAND TREES NEWSLETTER
March 1976
Page 3

ACADEMIC FREEDOM

The teachers' union has filed a grievance against the board of education stating that we, the board, have violated the Academic Freedom Clause of their contract, and the District's Croft Manual.

We quote from the teachers' contract: "Accordingly, it is agreed that teachers shall have the right to introduce and explore controversial material, provided only that the material and the manner in which it is presented *are in good taste, appropriate to the grade level,* and *relevant to course content."*

The Croft Manual states: "The school libraries should contribute to development of the *social, intellectual and spiritual values of the students."*

We on the board of education believe that the material in some of these books is in direct violation of these clauses. It is our contention that this material is *not* in good taste and does nothing but harm to the intellectual and spiritual values of the students. But don't take our word for it. Again, we invite the parents to the meeting of March 30, 1976 to see for themselves. We, the board of education, have every confidence in their judgment.

ABOUT OUR TEACHERS

Mr. Compare is fighting to keep books in our schools which are offensive to Christians, Jews, Blacks, and all Americans in

general. One such book refers to Jesus Christ as a "bum with no connections." One must ask himself what motivates this man? We, the board, know that if we spoke of, or to, Christians, Jews or Blacks the way they are referred to in these books, we would find ourselves in court. Why then does Mr. Compare insist that these books remain in the hands of our children. Maybe it's just lust for power that motivates the man.

This whole issue could have been taken care of within our school system. Instead, thanks to Mr. Compare, it has been distorted and blown all out of proportion by the news media and radio. This is not the first time Mr. Compare has attempted to discredit the board at the expense of our school system, and we are sure that it won't be the last.

We urge the residents of this district NOT to judge all of the teachers by the irresponsible actions of their union leaders. Most of our teachers do a fine job of teaching our children, and we are sure that they will continue to do so.

MEMO referred to on Page 1 (dated March 3, 1976):

TO: Dr. Richard Morrow
FROM: Richard Ahrens
RE: LIBRARY BOOKS

It is the board's desire that *all copies* of the library books in question be removed from the libraries to the board's office, at the rear of the Residents' Reference Room in Stokes, for review by the board, after which we will decide whether or not a committee is necessary in this matter.

Thank you.

R.A.

cc: Board members

ISLAND TREES NEWSLETTER

Island Trees over the past few years has become an extremely calm and productive school district. Where Island Trees was once used as an example of how a school district shouldn't be run, the exact opposite is now the case.

As recently as last week, the Levittown Tribune saw fit in an editorial to refer to your board of education as "questioning, diligent and economy minded" — and there are those who would see this progress destroyed for their own selfish reasons—whatever they may be.

Only you, the parents and taxpayers, can prevent this.

* * * * * * *

ATTEND THE NEXT —

REGULAR MONTHLY BOARD MEETING
TUESDAY, MARCH 30, 1976
9:00 P.M.
GENERAL PURPOSE ROOM, M.F. STOKES SCHOOL
Owl Place & Condor Road, Levittown

BOARD OF EDUCATION
Island Trees Union Free School District
Town of Hempstead
Island Trees 3, Levittown, N.Y. 11756

SPECIAL EDITION

EXHIBIT A-21
(BOARD LETTER 8/6/76)
BOARD OF EDUCATION
ISLAND TREES UNION FREE SCHOOL DISTRICT
TOWN OF HEMSPTEAD
ISLAND TREES 3, LEVITTOWN, N.Y. 11756
(516) 731-4020

First of all, as was printed in every major daily newspaper in the New York area, and our local Levittown papers as well, NO member of the Island Trees Board of Education—at any time—day or night—entered any library and removed even one single book from the shelves, let alone 60 of them. WCBS was well aware of this fact, but chose to ignore it.

As for the books themselves, we will not be encouraging our young people to bed down with them as WCBS has suggested. We do, however, encourage all parents to read them.

And from the seven members of the Island Trees Board of Education, there will be no apologies, no shame—and most of all—no regrets. And should a similar situation arise again in the future, we will not hesitate to take the exact same action again, and again.

What is taught in schools is a reflection of the values of a society, in this instance the local community. One of the purposes of a Board of Education is to see that local control is maintained and that the will of the majority prevails.

Teaching tools and curriculum are a definite reflection of community values. Most parents have high values for their children and it is not a function of the school to taint, tarnish or diminish these values.

Many doctors, psychologists and child development specialists contend that brutal material is damaging to young minds. WCBS stated that the film "Slaughterhouse Five" was recently shown on TV for the umpteenth time, and on each of those umpteen times it was edited for television—so whey not condemn television for censorship. And while we are at it let's condemn the FCC for its regulations which forbid the use of obscenities and vulgar language in public broadcasting.

And why not an editorial belittling the zealots who rate movies "R" and "X"—because the material in these movies is simply not suitable for the young, impressionable mind—that's why not! And books are no different than movies—Pulitizer Prize winner, or not.

Education is supposed to be an uplifting experience, but if you have to get down into the gutter to do it then it is just not worth it, for as the twig is bent, so grows the tree.

Richard J. Ahrens
President
Board of Education
Island Trees Public Schools

August 6, 1976

ISLAND TREES NEWSLETTER

JANUARY 1977

Dear Residents,

During the course of any given school year the Board of Education is called upon to make many decisions. Most of these decisions are routine, and generally go unnoticed by the residents. This past year the Board of Education had to decide on the fate of eleven books with respect to the *School Libraries*, and their use in the classroom as teaching materials.

After reading all the books in question the Board felt that nine of the eleven books were inappropriate to the grade level in which they were used, were not relative to course content, and could not be presented in good taste. The Board was, therefore, compelled to remove these books from use in the school libraries and from classroom use.

On January 3, 1977 four high school students, and one junior high school student, and their parents, represented by the N.Y. Civil Liberties Union, filed suit against the Board of Education. They are Steven Pico and Frances Pico; Jacqueline Gold and Rona Gold; Russel Rieger and Samuel Rieger; Glenn Yarris and Richard Yarris; and Paul Sochinski and Harry Sochinksi. The suit claims to be speaking on behalf of all of the students in the junior and senior high schools and alleges that their civil rights were violated by the Board's action. This suit also asks that the legal fees of the ACLU attorneys be paid by the school district.

We on the Board of Education in this case make no apologies, feel no shame and, most of all, even in the face of all of the abuse that has been heaped upon us over this issue—mainly by the

liberal news media—have no regrets whatever for our action.

What is taught in schools is a reflection on the values of a society—in this instance the local community. One of the purposes of a Board of Education is to see that local control is maintained, and that the will of the majority prevails. Teaching tools and the courses of study taught in the schools of a community are a definite reflection of the values of that community. Most parents have set high standards for their children, and it is not a function of the school to taint, tarnish, or diminish those values.

As for the language used in these books, we are not talking about words such as hell and damn. We are talking about the most repulsive and vulgar language you can imagine, as well as violence, explicit sex and homosexuality. We believe that to use this type of material on and junior and senior high school grade levels would be an educationally unsound practice. (sic) When you come right down to it, the end result of this suit will determine who will decide what is best for the students of Island Trees—the Civil Liberties Union, the authors and publishers who are looking to sell books, or the parents whose children would be using these books. On that point, every school district in the country has a stake in this case.

We agree with a U.S. Commissioner of Education, T.H. Bell, who stated: "Parents have a right to expect that the schools in their teaching approaches and selection of instructional materials will support the values and standards that their children are taught at home, and if the schools cannot support those values, they must at least avoid the deliberate destruction of them."

Any opinions you, the parents and taxpayers of Island Trees, might have on this matter would be most appreciated. Thank you.

Your Board of Education

ISLAND TREES NEWSLETTER

Page 2

TO ALL THE PARENTS IN ISLAND TREES:

You have no doubt heard by now of the lawsuit commenced by the parents of five of our students, on behalf of their children, to set aside our action regarding the library books. Our comments are contained in the letter on the preceding page.

The lawsuit alleges that these parents, and their children, are speaking on behalf of all of the children of the district. Our attorney has asked us to ascertain if this is in fact correct. If this lawsuit is not supported by all of you, it is important to let the Court know.

We have been asked, therefore, to have the parents of all students under 18 years of age to answer the brief questions on the postcard enclosed and *to return it to us by FEBRUARY 1*. The response will be helpful to us in the lawsuit, and we appreciate your assistance. Please be assured your identity will be kept confidential.

Thank you,
Your Board of Education

Left to right: Lori Geffon, Gallow School; Susan Skaling, Stokes School; William Egan, Sparke School, and Christopher Orlando, Karopczyc School.

These students will now go on to compete against other students from surrounding communities.

Good luck to each of them!

NEW STATE TRAFFIC LAW!!!

Effective January 1, 1977, a new State law permits drivers to execute a **RIGHT** turn after stopping at most red lights. This marks a change from the current law.

Under the new law, a motorist may make a **RIGHT** turn after stopping at any red light unless the intersection is posted with a "No Turn on Red" sign. All pedestrians, especially school age children, should be alerted to this change and should be advised to look for turning vehicles when crossing. We suggest that you discuss this thoroughly with your youngsters.

PRE-SCHOOL SCREENING FOR HEARING IMPAIRMENT

The Island Trees Council of PTA's is sponsoring this free screening for all Island Trees children born between December 1, 1971 and November 30, 1973. The major goal for this project is to provide early identification of children with hearing impairment. Please watch for further information in elementary school newsletters.

EXHIBIT B

AFFIDAVIT IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT
Docket No. 77 C 217

DISTRICT COURT OF THE UNITED STATES
EASTERN DISTRICT: NEW YORK
(Title Omitted)

STATE OF NEW YORK:
COUNTY OF NASSAU: ss.

FRANK A. MARTIN, being duly sworn, deposes and says:

1. That I am Vice President of the board of education of the Island Trees Union Free School District and I have served in such position for two years. I have been a board member for three years.

2. I subscribe to a basically conservative philosophy, especially with regard to fiscal matters, morals and the place of education in our society. I feel that my six fellow board members feel the same way and further that this is representative of our community.

3. On September 19, 20 and 21, 1975 I attended a conference sponsored by PONY-U, an organization interested in educational affairs in New York State, together with Richard Ahrens and Patrick Hughes, fellow board members. At the conference I came across materials which listed a number of books considered to be improper fare for school students due to obscene language. (See exhibit "A-1"). I obtained these materials and brought them back

to Long Island with me. I did nothing further for quite some time since I didn't believe our district contained the books listed. However I made a list of just the titles (See exhibit "B-1") of these volumes. I had mentioned the possibility of some of the material being in our district schools to Mr. Ahrens and one evening (November 7, 1975) while we were at a school affair, I suggested we check the library card index file to ascertain if, in fact, any of the volumes I had on the list (which I had brought with me) were in our library. As set forth in Mr. Ahrens' affidavit accompanying this we did check and found that some (9) of the books were in our Senior High School Library.

4. I have read carefully the affidavit of Mr. Ahrens accompanying this (exhibit "A" through "A-23") and wish to reaffirm, reiterate and restate all of the facts contained therein with regard to the actions of the board of education, superintendent and staff as well as of the committee to review the books as if I had set them out in full herein.

5. I do, however, wish to make a few additional points. Throughout the course of the time encompassed by the board actions, committee review and subsequent litigation (including an academic freedom grievance still awaiting decision) as well as two contested school elections I have been subjected to enormous personal pressures by the media as well as members of the public in general for the position I have taken. I am amazed therefore that the same media representatives have refused to reprint the offensive materials which came to my attention in the first place. This refusal extends to the Congressional Record of the United States which, when Rep. Norman Lent submitted excerpts for reprinting, refused the material for the first time in its history stating that it did not wish the Record to become a pornographic document. I annex a statement made to the media (exhibit "B-2") on January 11 of this year which quite accurately expresses my

feelings.

6. I also draw the Court's attention to the fact that "The Fixer" was originally approved by the Island Trees Board of Education as a textbook in 1972 (See exhibit "B-3"). Certainly if the board has the power to approve a book it has the power to disapprove, even if that means overruling a prior approval. This is the nature of corporate action. Just because a resolution is once passed it is not irreversible. Neither a textbook nor a library book have tenure. They are both part of the curriculum of a district and the board has the right to change curriculum. The Regents Guidelines make no distinction between textbooks and library books (exhibit "A-10"). The board annually approves a list of periodicals for renewal of subscription. On numerous occasions a periodical has either been added or deleted due to the philosophy of education espoused by the board. There is a constant culling of library books that goes on. Granted that this is the first time that specific books have been removed because of objection to obscene passages and a belief of lack of relevancy and educational value, but that does not make it unconstitutional. It is just that I, for one, did not realize these materials were on our shelves.

7. I admit that well intentioned persons might disagree with me. Let them serve on boards of education in other communities where they would receive the support of the community, but don't permit them to force their choices and values on me and the majority of my community when they have already been defeated twice at the polling place. I have read all of the books concerning which I cast a vote (four of them prior to the request that they be placed in the board room) and I have, in my opinion, cast a deliberate, well reasoned, intelligent vote. I did not do so on religious grounds, although I admit that the references to Christ in "Slaughterhouse Five" are, to my mind, blasphemous and anti-Christian. No one could think otherwise. There were no references

to religion that I recall in any of the other books except a minor one concerning Jews as a race in "The Fixer". These books in my opinion are just improper educational fare and are full of obscenities.

8. Someone has to make the decision regarding curriculum. texts. library books and other instructional materials in a school district. If it is not the board of education it must be someone on the professional staff. The professional staff has tenure—the board members can be removed by the electorate. The board members must. by law. be residents of the school district. The professional staff need not be. In fact. in Island Trees 95% of the professional staff are non-residents of the community. How can community values be inculcated in its student population if these important decisions are left to the professional staff. only 5% of whom are members of the community?

9. I have personal knowledge of the matters hereinabove referred to.

FRANK A. MARTIN

JURAT

EXHIBIT B-1

OBJECTIONABLE BOOKS

Breakfast of Champions — Kurt Vonnegut, Jr.
Slaughter House Five — Do
Blueschild Baby — George Cain
Talk Show
"Our Bodies, Ourselves"
Soul on Ice — Eldridge Cleaver
A Hero Ain't Nothing But a Sandwich — Alice Childress
The Fixer — Bernard Malamud
The Godfather — Mario Puzo
Loophole — Robert Pollock
Go Ask Alice
The Addict in the Street — J. Larner & R. Tefferteller
The Onion Field — Joseph Wambaugh
Dictionary of American Slang
Growing Up Absurd — Paul Goodman PHD
Why I Am Not A Christian — Bertrand Russell
A Nation of Nations
Inside Prison, American Style — R.J. Minton
The Best Short Stories by Negro Writers — Langston Hughes
Real Magic — P.E.I. Bonewits
Black Boy — Richard Wright
Laughing Boy — Oliver LaFarge
Black Rage — W.H. Grier & P. Cobbs
The Naked Ape — Desmond Morris
Our Sexual Revolution — Helen Colton
A Reader for Writers—A Critical Analogy of Prose Readings — Jerome W. Archer

Mass Media and The Popular Arts — Rissover/ Birch
Unknown Worlds — Holt, Reinhart & Winston
Loyalties Whose Side Are You On
Revolution Road
Down These Mean Streets — Thomas Piri
Law and The Consumer — Richard Yates

EXHIBIT B-2

BATTLE OF THE BOOKS IN ISLAND TREES

By the Island Trees Board of Education

TUESDAY, JANUARY 11, 1977

Newsday

The Island Trees Board of Education is the subject of a lawsuit by the American Civil Liberties Union on behalf of five students and their parents. The supposed reason for this class action suit is the board's ordered removal of nine books from the school libraries because they found the books educationally unsound.

The real issue at stake in not nine books, 90 books, 900 books, nor even one book. The ACLU couldn't care less about any individual work of literature, or any particular author. If it did, they would have to insist that every book ever printed be made available in every school library—a situation of impossible magnitude.

Every library has only so much space on the shelves and a limited amount of money to purchase books. Therefore, some selection process has to take place. Someone has to decide which books will be purchased.

In the normal selection process, where the head librarian or the professional staff passes over thousands of books, one never hears the charge of censorship.

But let a parent, taxpayer or board of education override the selection of a particular book, and all hell breaks loose. Charges of "censorship," "book burning," "vigilante" action and violations of freedom of speech are hurled about.

When the smoke clears, it is usually the students, parents and

taxpayers who have gotten burned. If this selection process is necessary, shouldn't we in the field of education insist on the very best for our own children—indeed, the children of this great nation.

You may wonder why we have referred to the children of the entire nation. Make no mistake about it, this action in Island Trees has national significance. Every board of education, and every parent, has a stake in the outcome of this lawsuit.

For the past decade, the ACLU has moved into schools all over the country, ostensibly on behalf of some student or teacher who feels that his or her constitutional rights are somehow being violated because a school has a dress code, a hair length code, a strict approach to discipline or standards of decency in the curriculum. When the ACLU manages to get a favorable decision for its client, in overturning some standard or code, the case then sets a precedent for all school districts throughout the land.

Almost always these court decisions have resulted in the loss, to some degree, of the control of the schools by the people who fund them, and the standards of the public schools across the nation have been reduced to practically nil.

Well, we in Island Trees have had enough; and as long as the people continue us in office on the board of education, we intend to do all in our power to protect the standards of our schools and the values of the children who attend them.

Our stand against these books and the ACLU has made us the natural enemies of the liberal media who are doing all they can to discredit us. We have been criticized editorially time and again, when all we are doing is demanding that the schools abide by the same standards of decency which govern what is printed in

Newsday and the Congressional Record. When Rep. Norman Lent (R-East Rockaway) submitted excerpts of the banned books for reprint in The Congressional Record, the publication refused. The reason given was that officials did not want the Record to become a "pornographic document."

We on the board suggest that it would be a public service for the media to permit the public to judge the merits of this case by printing the offending passages instead of protecting the adult public from this material, while encouraging the attack upon parents who wish the same protection for their vulnerable children.

Even if some parents feel that these particular books are not personally offensive to them, how long will it be before some student or small group decides that their rights are being violated because the school board refused to order Penthouse, Hustler or Screw for their reading pleasure?

Does the ACLU drag us to court to have some judge decide that we must pander to the erotic tastes of a particular individual at the expense of the taxpayers? Who decides? Who must set the standard, below which we will not go—the ACLU, the authors who are looking to sell books or the parents whose children use these books?

The courts have stated in recent decisions that the community should set its own standard of decency. The law is clear: The selections of books and curriculum material rests with the local board of education, the elected representatives of the people.

We on the Island Trees Board of Education believe in majority rule, with protection of minority rights. The majority of residents in Island Trees do *not* want these books in their schools—the

majority rules. The minority is still free to obtain these books at the public library, in stores and on newsstands.

No one's constitutional rights have been violated in Island Trees. Our schools are preparing our children to become decent contributing members of society—*not* to live in the gutters and jails of our nation!

The members of the Island Trees School Board are Richard Ahrens, president; Frank Martin; Christine Fasulo; Patrick J. Hughes; Richard Melchers; Richard C. Michaels and Louis Nessim.

EXHIBIT B-2

Newsday, January 11, 1977

By Barbara Bernstein
and Alan H. Levine

In a column about the removal of nine books from the school libraries in Island Trees, Patrick Owens argued that the school board is merely exercising its legal authority to pick and choose books and that the answer to the board's banning is not to bring a lawsuit but to "throw the yokels out." We disagree. Consequently, the New York Civil Liberties Union has filed suit claiming that the school board's action is a violation of both the state and federal constitutions.

The Island Trees controversy is not to be resolved by popular votes. This is not the typical clash about budget, school construction or educational philosophy, all of which are the stuff of school board elections. We would agree that the way to protest a school system's overly traditional approach to the classroom is not through the courts, but by the ballot. But *no* school board has the right to invoke *any* educational philosophy to justify purging its curriculum and libraries of books it deems offensive.

In doing that, the Island Trees School Board has not only abdicated its responsibilities under the state's education law, but has run roughshod over the constitutional guarantee of free expression. While state law gives broad discretion to school boards, it certainly intends, at a minimum, that students will be able to confront and debate controversial ideas. Surely no part of that discretion permits a school board to purge ideas it finds offensive.

Free, public education in this country found its roots in the impulse to be rid of religious faction and religious tyranny. Only

by a mix of different languages, cultures and beliefs can democracy thrive. Do we really want our students, who are old enough or almost old enough to vote, to drive, to marry and to fight and die for their country, to be unprepared to confront life different from theirs, to be ignorant of life in the ghetto, of the horrors of drug addiction, of the physiology of sex, of the effects of racial and religious hatred and hypocrisy? Would our public schools be worth one small fraction of what we pay for them if students were permitted to read and discuss only those ideas acceptable to a popularly elected school board?

It is with such concerns in mind that courts have evolved a constitutional principle of academic freedom to protect free speech in the classroom. Recognizing the whims of popular sentiment to which school boards are vulnerable, the courts have deprived the state—and its school boards—of the power to prohibit teachers and students from reading and discussing certain materials merely because they may offend public sensibilities.

When a school board decides that certain ideas may not be discussed in its schools, the victims of that action need not wait for the next election. Indeed, the recent election in Island Trees, in which the present school board was retained, confirms the obvious, that such illegal actions are often very popular. Controversial ideas do not win elections, any more than do people who express them. The vigorous protests of a vocal minority in Island Trees were simply insufficient to overcome the majority's indifference to or approval of the book banning. How many generations of students in that school district must be deprived of the opportunity to read allegedly offensive books until their parents are finally able to win an election?

Fortunately, constitutional rights are not dependent on the popular will, but are assured whether or not an electoral majority

wishes to revoke them. If minorities had to win elections in order to secure their rights, our schools might still be segregated, political dissidents might still not be permitted to distribute their literature and state legislatures apportioned by 19th Century census figures might still run our states.

It has to be asked, that if removing these nine books is unconstitutional, could no book ever be removed, books like "The Joys of Oral Sex" or the anti Semitic tract, "The Protocols of the Elders of Zion," if a school board should discover them in a school library? Probably the former could be removed. If its contents are as explicit as its title suggests, it is likely to be legally obscene for minors and therefore subject to removal.

As for "The Protocols," the school board should indeed be barred from removing it. What legitimate educational purpose could that possibly serve? Would it stem the tide of anti-Semitism? Hardly. To the contrary, the success of documents like "The Protocols" depends entirely on an ignorant and uninformed citizenry prepared to believe its absurd lies. No, rather than remove "The Protocols," we would have students discuss it openly in their classrooms. And, so that they might better understand the capacity of anti-Semitism to pervert justice and destroy lives, we would have them read Bernard Malamud's "The Fixer." Except that the Island Trees School Board has banned it.

Banning books whose ideas or language may be offensive is as primitive as killing the messenger with the bad news and equally as useful in dealing with the real world. It is one thing to ignore the bad news and remain ignorant, but it is another to force ignorance on others under the guise of protecting them. Thomas Jefferson said that no nation can remain ignorant and free and it is this confrontation that is being tested in Island Trees.

Barbara Bernstein is executive director of the Nassau chapter of the New York Civil Liberties Union. Alan H. Levine is staff counsel to the chapter and one of the attorneys for the Island Trees student plaintiffs.

EXHIBIT B-3

Minutes of the Regular Meeting of the Board of Education, Union Free School District #26, Town of Hempstead, County of Nassau, Levittown, New York. The meeting was held at the Michael F. Stokes School, Owl Place and Condor Road, Levittown, N.Y. on January 25, 1972.

The meeting was called to order by the Acting President, Mrs. Lillian Rosa, at 10:15 p.m.

PRESENT: Mr. Louis DiMitri
Mr. Robert Evans
Mrs. Lillian Rosa
Mr. Gordon Webb
Mr. Leo H. Miller, Superintendent of Schools
Mr. Eugene Reilly, Ass't. Sup't. of Schools
Mr. George Murphy, Administrative Assistant
Mr. Wm. Rowley, Attorney for the District
Mrs. Dorothea Griffin, District Clerk

PLEDGE: Mrs. Rosa led the pledge of allegiance to the flag.

MINUTES:
On motion of Mr. DiMitri and seconded by Mr. Webb,

RESOLVED, to approve the minutes of October 7th, 1971 as read.

Unanimously carried Ayes 4 Nays 0

For information purposes it was noted that while there had not been a regular meeting since Oct. 7th, 1971, the Board met on 11/3; 11/11; 11/16; 11/30; 12/13; 12/21; 12/27/71 & 1/12/72.

Correspondence:

Mr. Miller reported a letter having been received from a student regarding purchasing of recycled materials. This matter was refered to the Business Office.

REPORTS TO THE BOARD:

Mrs. Rosa reported that Mrs. Cullem attended the Teacher Salary Clinic in Liverpool on Jan. 10th & 11th and presented a detailed report which is attached to these minutes.

BUSINESS ADMINISTRATOR'S REPORT:

On motion of Mr. Webb and seconded by Mr. DiMitri,

Resolved to award contracts for the following bids:

TEXTBOOKS:

On motion of Mr. DiMitri and seconded by Mr. Evans,

RESOLVED, to approve a list of textbooks for the English Department of the High School d.d. 11/8/71; Social Studies and History list d.d. 9/17/71 which lists are attached.

Unaninmously carried Ayes 4 Nays 0

E.S.S. MATERIALS:

On motion of Mr. Evans and seconded by Mr. DiMitri,

RESOLVED, to approve the 212.300.908 code allotment for science material intended for a Kdg. and 1st grade program to be used instead for a program for grades K-6. This was recommended by Mr. Finkel.

Unanimously carried Ayes 4 Nays 0

RECREATION FUNDING:

On motion of Mr. Webb and seconded by Mr. Evans,

RESOLVED, that the Board of Education authorizes the Sup't. to file application with the Town of Hempstead Local Aid for recreation for $3,074.

Unanimously carried Ayes 4 Nays 0

TITLE I:

On motion of Mr. DiMitri and seconded by Mr. Evans,

RESOLVED, the Board of Education approves the Title I ESEA Budget of $29,875 for the JHS Tutorial and Elem. Non-English Speaking Programs.

Unanimously carried Ayes 4 Nays 0

TITLE II:

On motion of Mr. Webb and seconded by Mr. DiMitri,

RESOLVED, that the Board of Education hereby authorizes the Sup't. to file application for a grant of $5,560. under Title II, ESEA (P.L. 89-10) and such authorization is recorded in these minutes.

Unanimously carried Ayes 4 Nays 0

(EXCERPTS FROM BOARD MEETING MINUTES 1/25/77)

EXHIBIT B-3

ISLAND TREES HIGH SCHOOL
TEXTBOOKS RECOMMENDED FOR ADOPTION 1971-72

ENGLISH:

Sir Gawein and The Green Knight — (Translated by) James L. Rosenberg — Holt, Rinehart & Winston, Inc. — Gr. 10 H (Unit Cost $1.45; Quantity 35 each)

The Fixer — Bernard Malamud — Dell Publishing — Gr. 10 H & Mod. Lit. (Unit Cost $.95; Quantity 100 Each)

They Shoot Horses, Don't They? — Horace McCoy — Avon Books (The Hearst Corp.) — Mod. Lit. (Unit Cost $.95; Quantity 100 each)

To Sir, With Love — E.R. Braithwate — Pyramid Publications — Gr. 10 (Unit Cost $.75; Quantity 100 each)

The Lilies of the Field — William Barrett — Popular Library — Gr. 11 (Unit Cost $.50; Quantity 100 each)

The Catcher in The Rye — J.D. Salinger — Bantam Books — Gr. 11 (Unit Cost $.95; Quantity 100 each)

All the above are for classroom study for first semester.

EXHIBIT C

AFFIDAVIT IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

Docket No. 77C 217

DISTRICT COURT OF THE UNITED STATES
EASTERN DISTRICT: NEW YORK
(Title Omitted)

STATE OF NEW YORK
COUNTY OF NASSAU ss.

CHRISTINA FASULO, PATRICK J. HUGHES, RICHARD H. MELCHERS, RICHARD C. MICHAELS and LOUIS NESSIM, being duly sworn, depose and say:

1. That we were members of the Board of Education of the Island Trees Union Free School District from September 19, 1975 to the present, the period covered by the affidavits of Richard J. Ahrens and Frank A. Martin accompanying this.

2. That we have each read each of the books reviewed by the committee referred to in the affidavits of Mr. Martin and Mr. Ahrens.

3. That we each thoroughly considered the recommendations of such committee, the opinions of the superintendent of schools and of members of the community before casting our respective votes with respect to these books (Exhibit "A-15").

4. That our reasons for casting votes to remove or restrict certain volumes was that they contained obsceneties, were irrelevant to our curriculum, were inappropriate and were in bad

taste. They contained foul language, gross sexual allusions and language that just wasn't necessary to the story line. Our votes were, however, split on certain works as a result of varying degrees of concern about the relevancy, educational applicability and degree of bad tasts (sic) exhibited.

5. That we feel we represented the basic values of the community in our actions and that we have exercised our duties in an intelligent, thoughtful and reasonable manner.

6. We have personal knowledge of the matters hereinabove referred to.

CHRISTINA FASULO
PATRICK J. HUGHES
RICHARD H. MELCHERS
RICHARD C. MICHAELS
LOUIS NESSIM

JURAT

EXHIBIT D

AFFIDAVIT IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT
Docket No. 77C 217

DISTRICT COURT OF THE UNITED STATES
EASTERN DISTRICT: NEW YORK
(Title Omitted)

STATE OF NEW YORK
COUNTY OF NASSAU ss.:

WALF OGLESBY, being duly sworn, deposes and says:

1. That he is Superintendent of Schools of Island Trees Union Free School District and was Assistant Superintendent of Schools of Island Trees Union Free School District during the times referred to in the affidavits of Richard J. Ahrens and Frank A. Martin accompanying this.

2. That the teaching staff is not now nor has it been to my knowledge prohibited directly or indirectly from explaining or teaching about any of the "banned" books nor from discussing them or the ideas they express in any manner.

3. That I have caused an examination to be made of the residence addresses of the professional staff of the district and as a result thereof I find that only 5% of such staff reside within the district.

4. I have personal knowledge of the matters hereinabove referred to.

WALF OGLESBY

JURAT

EXHIBIT F

AFFIDAVIT IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

Docket No. 77C 217

DISTRICT COURT OF THE UNITED STATES
EASTERN DISTRICT: NEW YORK
(Title Omitted)

STATE OF NEW YORK
COUNTY OF NASSAU ss.

RICHARD SEGERDAHL, being duly sworn, deposes and says:

1. That I am Principal of the M.F. Stokes School in the Island Trees Union Free School District and was a member of the book review committee referred to in the affidavits of Richard J. Ahrens and Frank A. Martin accompanying this.

2. That the said committee which was comprised of four parents and community members as well as four staff members of which I was one represented, in my opinion, a fair and representative cross section of the Island Trees community.

3. That each of the members of the committee to the best of my knowledge read each of the volumes reviewed and reported on and discussed them thoroughly at our committee meetings which numbered six or seven.

4. That the votes taken (and reflected in the final report of July 1, 1976 - exhibit "A-13") were the result of informed discussion and deliberation and reflect an honest effort of those involved to

determine relevancy, educational suitability, good taste and appropriateness.

5. I have personal knowledge of the matters hereinabove referred to.

RICHARD SEGERDAHL

JURAT

NOTICE OF MOTION TO CERTIFY AS CLASS ACTION
Civil Action No. 77 C 217 (GCP)

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK
(Title Omitted)

PLEASE TAKE NOTICE that based upon the enclosed supporting memorandum and all other papers previously filed herein, plaintiffs will move this Court on Thursday, January 12, 1977, at 10:00 a.m., or as soon thereafter as counsel may be heard, in the United States Courthouse, 900 Ellison Avenue, Westbury, Long Island, for an order certifying this action as a class action pursuant to F.R.C.P. 23(b) (2).

Dated: November 17, 1977

Alan Levine
New York Civil Liberties Union
84 Fifth Avenue
New York, N.Y. 10011
(212) 924-7800

Richard Emery
New York Civil Liberties Union
84 Fifth Avenue
New York, N.Y. 10011
(212) 924-7800

Attorneys for Plaintiffs

To: George Lipp
83 Fire Island Avenue
Babylon, New York 11702

Attorney for Defendants

NOTICE OF MOTION
77 Civ. 217

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK
(Title Omitted)

SIRS:

PLEASE TAKE NOTICE that upon the annexed affidavits and upon all the proceedings heretofore had herein, the undersigned will move this Court pursuant to Rule 56 of the Federal Rules of Civil Procedure, on the 2d day of February, 1978 at 2 p.m., or as soon thereafter as counsel may be heard, in the Courtroom of the Honorable George C. Pratt, United States District Judge in the United States Courthouse, Westbury, Long Island, for summary judgment herein on the grounds that no genuine issues exist as to any material fact and that the plaintiff is entitled to a judgment as a matter of law.

Dated: New York, New York
January 13, 1978

Alan H. Levine
Richard D. Emery
New York Civil Liberties Union
84 Fifth Avenue
New York, New York 10011
(212) 924-7800

Steven Hyman
Kunstler & Hyman
370 Lexington Avenue
New York, New York 10017
(212) 725-5970

Alan Azzara
Nassau County Chapter
New York Civil Liberties Union
210 Old Country Road
Mineola, New York 11501

(516) 741-8520

Attorneys for Plaintiffs

ATTORNEY'S AFFIRMATION
77 Civ. 217

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK
(Title Omitted)

County of New York)
State of New York) ss.:

Alan H. Levine, under penalty of perjury, hereby affirms:

1. I am one of the attorneys for plaintiffs herein and submit this affirmation in support of plaintiffs' cross motion for summary judgment.

2. The facts and legal arguments in support of plaintiffs' motion are set out fully in the accompanying brief.

3. The pertinent documents are attached to the Complaint and to defendants' motion papers. In addition, attached to this affirmation are the Contents pages of one of the banned books, *A Reader for Writers.*

January 13, 1978

ALAN H. LEVINE

Rule 9g Statement

DISTRICT COURT OF THE UNITED STATES
EASTERN DISTRICT: NEW YORK
(Title Omitted)

Plaintiffs respectfully submit the following statement pursuant to Rule 9(g) of the General Rules of this Court describing the facts about which no material dispute exists:

1. All of the paragraphs listed in defendants' statement pursuant to local rule 9(g) except paragraphs 4, and 10 which if stated correctly should read as follows:

> 4. Such memo referred to *Slaughterhouse-Five, A Hero Ain't Nothing But A Sandwich, A Reader For Writers, Go Ask Alice, The Best Short Stories by Negro Writers, Black Boy, Laughing Boy, The Naked Ape,* and *Down These Mean Streets.* These nine books and two others, *Soul on Ice* and *The Fixer* were removed from the school libraries and curriculum pending further action by the Board.
>
> 10. On July 28, 1976, the Board formally resolved to remove nine of the eleven scrutinized books both from the library and use in the curriculum of the Island Trees Union Free School District, to restore one of the books on the basis of parental consent and to restore one of the books to the library and curriculum without any restriction.

2. At no time during the events relevant to this case did the defendants consult with or act upon the advice of literary experts, educational experts or academicians trained in the suitability of literature for high school and junior high school students. Defendants did not consult with librarians or teachers within the

Island Trees School System about the removal. Defendants did not read or evaluate the books in conjunction with reviews or rating services.

3. Defendants evaluation of the suitability of the books that were removed was based on the defendants' personal judgments about these books.

4. Defendants believe that their judgments with respect to the suitability of these books accurately reflected the judgments of a majority of parents in the Island Tree's Union Free School District.

5. On March 3, 1976, the defendants appointed a Book Review Committee of representative parents and staff to review the books in question. Defendants believed the Book Review Committee fairly represented their community. On July 1, 1976, that Committee voted to restore four of the books without restriction, restore one of the books with restriction requiring parental permission, and remove two of the books entirely. The Committee tied in their vote on two of the books without any action being taken. The defendants did not consult the committee or inquire or investigate the committee's decisions in any way. The defendants had available to them the results in the form of the committee's vote on each of the books at the time that the defendants made their decision to act upon the eleven books.

6. The defendants actions in reviewing the eleven books in question were initiated as the result of the attendance of three of the defendants at a conference of Parents of New York United (PONY-U) where excerpts from some of these books and titles of others, were listed along with many other books found objectionable by the PONY-U organization. Defendants did not undertake an independent review of other books in the district libraries and

reviewed only books listed by the PONY-U association.

7. Defendants actions to remove several of the books in question were based on their opinion that certain excerpts from the books were in and of themselves so objectionable that they rendered the entire book unacceptable for use in the district. Defendants found it necessary to remove some books based on objectionable excerpts even though defendants themselves believed that the entire book was not objectionable but for the excerpts.

8. Defendants removed some of the books based solely on the use of ungrammatical language. Defendants purpose in removing these books was to prevent the children in the district from being exposed to ungrammatical literary usage which defendants believed may have influenced the language usage of the students.

9. In other cases defendants removed books because they found excerpts to be offensive to religious, racial or ethnic groups even though defendants concede that in many instances the excerpts do not reflect the thematic point of view of the entire book to that racial, religious or ethnic group.

10. Defendants removed some of the books based upon excerpts they believed were offensive because they were sexually explicit and even though the defendants concede that none of the books as a whole are obscene.

11. Defendants removed some of the books because they viewed excerpts as anti-American and unpatriotic.

12. Defendants removed the books not only from the library but from the curriculum as a whole and forbade any teacher from using the books either as an assignment to a class or as optional

reading within a class project. Although the books themselves were excluded from use in the schools in any way, defendants have not precluded discussion about the themes of the books or the books themselves as long as the books were not used in that discussion.

13. *The Fixer* by Bernard Malamud had been used in several English classes in the Island Tree's high school for several years without any complaints or problems.

14. Defendants did not decide to ban the books on the basis of any complaints by either students or parents in the district.

Dated: New York, New York
January 13, 1978

Alan H. Levine
Richard D. Emery
New York Civil Liberties Union
84 Fifth Avenue
New York, New York 10011
(212) 924-7800

Steven Hyman
Kunstler & Hyman
370 Lexington Avenue
New York, New York 10017
(212) 725-5970

Alan Azzara
Nassau County Chapter
New York Civil Liberties Union
210 Old Country Road
Mineola, New York 11501
(516) 741-8520

Attorneys for Plaintiffs

J.A.-132

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Rule 9g Statement

DISTRICT COURT OF THE UNITED STATES
EASTERN DISTRICT: NEW YORK
(Title Omitted)

Plaintiffs respectfully submit the following statement pursuant to Rule 9(g) of the General Rules of this Court describing the facts about which no material dispute exists:

1. All of the paragraphs listed in defendants' statement pursuant to local rule 9(g) except paragraphs 4 and 10 which if stated correctly should read as follows:

> 4. Such memo referred to *Slaughterhouse-Five, A Hero Ain't Nothing But A Sandwich, A Reader for Writers, Go Ask Alice, The Best Short Stories by Negro Writers, Black Boy, Laughing Boy, The Naked Ape,* and *Down These Mean Streets.* These nine books and two others, *Soul on Ice* and *The Fixer,* were removed from the school libraries and curriculum pending further action by the Board.
>
> 10. On July 28, 1976, the Board formally resolved to remove nine of the eleven scrutinized books both from the library and use in the curriculum of the Island Trees Union Free School District, to restore one of the books on the basis of parental consent and to restore one of the books to the library and curriculum without any restriction.

2. At no time during the events relevant this case did the defendants consult with or act upon the advice of literary experts, outside education experts or academicians trained in the suitability of literature for high school and junior high school students. Defendants did not consult with librarians or teachers within the

Island Trees School system about the removal of the books, although they did discuss the matter with the Superintendent of Schools. Defendants did not consult publications that rate books for junior and senior high school students.

3. Defendants Ahrens and Martin were responsible for initially removing the books from the district's libraries and for bringing the excerpts from the books to the attention of the other school board members. They are the only defendants who have given any recorded explanation for the removal.

4. Defendants' evaluation of the suitability of the books was based on the defendants' personal values, morals and tastes.

5. On March 3, 1976, the defendants appointed a Book Review Committee of representative parents and staff to review the books in question. Defendants believed the Book Review Committee fairly represented their community. On July 1, 1976, that committee voted to restore four of the books without restriction, restore one of the books with restriction requiring parental permission, and remove two of the books entirely. The Committee tied in their vote on two of the books without any action being taken. The defendants did not consult the committee or inquire about or investigate the committee's decisions in any way. The defendants had available to them the results in the form of the committee's vote on each of the books at the time that the defendants made their decision to act upon the eleven books.

6. The defendants actions in reviewing the eleven books in question were initiated as the result of the attendance of three of the defendants at a conference of Parents of New York United (PONY-U) where excerpts from some of these books and titles of others were listed along with many other books found objectionable by the PONY-U organization. Defendants did not undertake

an independent review of other books in the district libraries and reviewed only books listed by PONY-U. A then sitting member of the New York State Board of Regents was one of the speakers at the conference.

7. Defendants Ahrens and Martin sought removal of the books because they believed that certain excerpts from the books were in and of themselves so objectionable that they rendered the entire book unacceptable for use in the district.

8. Defendants Ahrens and Martin objected to those excerpts because some contained profanities, some were sexually explicit, some were ungrammatical, some were anti-American, and some were offensive to racial, religious or ethnic groups.

9. Defendants Ahrens and Martin objected to *A Reader for Writers* solely because it contained an essay by Jonathan Swift entitled "A Modest Proposal." Defendants considered the subject of that essay irrelevant to the curriculum.

10. Defendants removed the books not only from the library but from the curriculum as a whole. Their intent was to forbid any teacher from using the books as an assignment or suggesting them for optional reading. Although the books themselves were excluded from use in the schools in any way, defendants have not precluded discussion about the themes of the books or the books themselves. However, teachers may not suggest that the books be read in connection with such discussions.

11. *The Fixer* by Bernard Malamud had been used in several English classes in the Island Tree's high school for several years without any complaints from students or parents.

12. Defendants did not decide to ban the books on the basis of any complaints by either students or parents in the district.

Dated: New York, New York
March 8, 1978

Richard D. Emery
Alan H. Levine
New York Civil Liberties Union
84 Fifth Avenue
New York, N.Y. 10011
(212) 924-7800

Steven Hyman
Kunstler & Hyman
370 Lexington Avenue
New York, N.Y. 10017
(212) 725-5970

Alan Azzara
Nassau County Chapter
New York Civil Liberties Union
210 Old Country Road
Mineola, New York 11501
(516) 741-8520

Attorneys for Plaintiffs

RULE 9g STATEMENT

DISTRICT COURT OF THE UNITED STATES
EASTERN DISTRICT: NEW YORK
(Title Omitted)

Defendants respectfully submit the following statement pursuant to Rule 9(g) of the General Rules of this Court describing the facts about which no material dispute exists:

1. All of the paragraphs listed in plaintiff's statement pursuant to local rule 9(g) except paragraphs 3, 4, 7, 8 & 9 which if stated correctly should read as follows:

> 3. Defendants Ahrens and Martin were responsible for bringing the excerpts from the books to the attention of the other school board members. The books were initially removed from the libraries at the board's unofficial direction given at a private session of the board on February 24, 1976 attended by the board, Superintendent and principals. A regular meeting of the board was held on that date. Defendants Ahrens and Martin are the only defendants who have given any recorded explanation for the removal. On March 3, 1976 defendant, Richard Ahrens, board president, issued a memorandum to the Superintendent reiterating the board's desire that the books in question be removed to the Board's office. Such action was ratified by unanimous vote of the board at its public meeting on March 30, 1976.
>
> 4. Defendants' evaluation of the suitability of the books was based on the defendants' personal values, morals, tastes and concepts of educational suitability.
>
> 7. In most instances defendants Martin and Ahrens

sought removal of the books because of excerpts varying in length from specific words to passages, chapters and, in one instance, an essay. In at least one instance the basic theme of the whole book was objected to. Other defendants may have had different reasons for their objections. Defendant Martin voted contrary to defendant Ahrens on two of the books in question.

8. Defendants Ahrens and Martin objected to the books for numerous reasons including the presence of profanities and obscenities, explicit sexual allusions, depictions of deviant sex, the glorification of sex and drugs, ungrammatical usage and excerpts offensive to racial, religious or ethnic groups. Different books were objected to for different reasons.

9. Defendants Ahrens and Martin objected to *A Reader for Writers* solely because it contained an essay by Jonathan Swift entitled "A Modest Proposal." Defendant Ahrens considered the subject of that essay irrelevant to the curriculum while defendant Martin felt it to be inappropriate.

2. The high school and junior high school maintained and operated by them contain libraries for the use of the students.

3. The books in said libraries are available for reading and for loan.

4. On March 3, 1976 Richard Ahrens, school board president, sent a memo to the Superintendent expressing "the Board's desire that all copies of the library books in question be removed from the libraries to the Board's office..."

5. Such memo referred to "Slaughterhouse-Five," "A Hero Ain't Nothing But a Sandwich", "Reader for Writers", "Go Ask

Alice", "The Best Short Stories by Negro Writers", "Black Boy", "Laughing Boy", "The Naked Ape" and "Down These Mean Streets."

6. Defendants Richard Ahrens, Frank Martin and Patrick Hughes had had these titles brought to their attention at a conference sponsored by Parents of New York - United.

7. Subsequent to such conference said books were found in the senior and junior high school libraries.

8. On March 30, 1976 the board appointed a committee to review the books in question and make recommendations thereon on the basis of their educational suitability, good taste, relevance and appropriateness to age and grade.

9. Such committee was comprised of four parents from the community and four staff members.

10. On July 1, 1976 said committee issued its formal report (aside from that recommending return of "The Fixer" to the curriculum on a restricted basis) recommending continued removal of some books, return of others on an unrestricted basis and of others on a restricted basis. The votes were mixed.

11. On 7/28/1976 the board formally resolved to restore some books on an unrestricted basis, to restore others on a restricted basis and to continue removal of others. The votes were mixed.

12. No teacher has been instructed not to discuss the books which were removed or to refrain from discussion or comment upon the ideas and positions they represent.

13. Obscenity of the volumes in question is not in issue.

March 14, 1978

GEORGE W. LIPP, Jr.
Counsel for Petitioners
LIPP & RUBIN, P.C.
83 Fire Island Avenue
Babylon, N.Y. 11702
(516) 669-3443

ALAN H. LEVINE
Counsel for Respondent
CLARK, WOLF, LEVINE & PERATIS
113 University Place
New York, N.Y. 10021